against intervention by the United States at Mexico; to the Committee on Foreign Affairs.

Also, petition of Clarence E. Kelley, principal of Nute High School, and others, of Milton, N. H., protesting against intervention by the United States at Mexico; to the Committee on Foreign Affairs.

Also, petitions of Rev. Irwing J. Enslin and 28 others, all of Derry, N. H., and of Joseph R. Dionne and 4 others, all of Concord, N. H., protesting against intervention by the United States in Mexico; to the Committee on Foreign Affairs.

By Mr. REILLY of Connecticut: Petitions of Cigarmakers' Union, No. 39, of New Haven, Conn., sundry citizens of the State of Connecticut, and the Central Federated Union of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens and woman-suffrage societies of the State of Connecticut, favoring passage of the Bristow-Mondell resolution, relative to franchise for women; to the Committee on the Judiciary.

By Mr. REILLY of Wisconsin: Petition of sundry citizens of Manitowoc, Wis., against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of sundry citizens of the State of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the third congressional district of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of sundry citizens of Jackson, Tenn., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. SLOAN: Petitions of 100 citizens of Thayer, 200 citizens of Aurora, 350 citizens of McCool Junction, and 600 citizens of Dorchester, all in the State of Nebraska, favoring national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Protest of 62 citizens of Marshall and Calhoun Counties and 25 citizens of Kalamazoo and Kalamazoo County, all in the State of Michigan, against national prohibition (Hobson, Sheppard, and Works resolutions); to the Committee on the Judiciary.

Also, protest of 12 citizens of Albion, Mich., against section 6 of House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas: Petition of the members of the XLI Club, of Gainesville, Tex., favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. SUTHERLAND: Petition of 75 citizens of Good Hope, 50 citizens of Tichenel, 36 citizens of Ravenswood, 32 citizens of Point Pleasant, the State grange (representing 3,000 citizens), 18 citizens of Huntington, 450 citizens of Blacksville, and 38 citizens of Berkeley Springs, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAVENNER: Petition of Earl Anderson, of Warsaw, and C. L. Beardley, of Rock Island, Ill., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of E. E. James, of Prairie City, Ill., favoring passage of House bill 13305, the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Arkansas: Petition of 42 citizens of the sixth district of Arkansas, against national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. T. Y. Murphy, of Pine Bluff, Ark., president of the Woman's Christian Temperance Union in the sixth district of Arkansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of sundry citizens of Peruville, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various voters of Groton, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Chicago Federation of Labor, favoring Government ownership of the mines in the United States; to the Committee on the Judiciary.

Also, petition of the Women Physicians' Branch of the Political Equality League, of Brooklyn, N. Y., and sundry citizens of the United States, favoring passage of the Bristow-Mondell resolution, relative to franchising women; to the Committee on the Judiciary.

Also, petition of the Medical Society of the State of New York, relative to providing for mental examination of arriving immigrants at New York; to the Committee on Immigration and Naturalization.

By Mr. WHITE: Petition of sundry citizens of Ohio against national prohibition; to the Commitee on the Judiciary.

By Mr. WHITACRE: Petition of the Woman Suffrage Party of Mahoning County, Ohio, and Woman Suffrage Association of Canton, Ohio, favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of the Socialists of Stark County, Ohio, relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also, petitions of Epworth League Chapter, No. 929, of the Methodist Epicopal Church of Lisbon, Ohio, and churches and organizations representing 445 citizens of Massillon and 1,025 citizens of Salem, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of E. La Montague's Sons, of New York, against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Wine and Spirit Traders' Society and the Manufacturers and Dealers' League, of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of George H. Armstrong, of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the house of delegates of the Medical Society of the State of New York, relative to examination of immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the independent retail merchants of New York, favoring the passage of the Stevens bill (H. R. 13305) relative to price cutting; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *May 13, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast hidden the sources of Thy power beyond all our power of human thought to reach; but Thou hast revealed unto us Thy personal character, and we have found Thee to be a God of love. Thou hast spoken to us the last word of love. Thou hast performed already the highest and divinest act of love. We are persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus our Lord. We pray that Thy Holy Spirit may shed abroad Thy love in our hearts. May we plan for the present, look to the future, and work for the accomplishment of the highest good, knowing that truth shall overcome error and the light of the perfect day shall some day shine away all the darkness. To this end do Thou guide us. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 4553) to authorize the appointment of an ambassador to Argentina.

The message also announced that the House had passed the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4377) to provide for the construction of four revenue cutters, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5890. An act for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co.; and

H. R. 15503. An act authorizing the appointment of an ambassador to the Republic of Chile.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Chicago, Moline, Arlington, Ipava, Altona, Joy, Rive. Forest, Charleston, Equality, Biggsville, and Springfield, in the State of Illinois; of Lawrenceville, Mount Holly, and Fairton, in the State of New Jersey; of Brooklyn, Wappingers Falls, Gloversville, Buffalo, New York, Moscow, Westtown, Greenwich, Waddington, and Delhi, in the State of New York; of West Middlesex, Clarendon, Rennerdale, McConnellsburg, West Liberty, Air-

ville, Eau Claire, and Harrisville, in the State of Pennsylvania; of Clifton, Reily, Zanesville, Crestline, De Graff, Belle Center, and Fremont, in the State of Ohio; Christiana Village and Wilmington, in the State of Delaware; of Ashton, Idaho; Ackley, Iowa; Woonsocket, R. I.; and St. Paul, Minn., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. SMITH of Arizona presented telegrams in the nature of memorials from Markus D. Markham, secretary of the Bartenders' Union, of Jerome; of W. T. Armstrong, of Winkelman; of the Cooper City Brewing Co., of Douglas; of J. C. Bechetti, of Humboldt; of E. W. Carroll, of Prescott; of D. H. Cargul, secretary of the Hotel and Restaurant Employees' Association, of Jerome; of the Warren District Commercial Club, by J. J. Bowen, L. J. Overlock, H. B. Hunter, E. C. Campbell, M. Newman, and A. E. Downs, directors, and Joseph H. Gray, secretary, of Bisbee; of Hugh R. Wilson, George Aitkins, and Parisia & Belles, of Chloride; of Ed. Olsen, the Melscher Bros. Co., T. H. Meehan (Casa Grande), the Baswitz Cigar Co., John Sedler, J. S. McIwaine, Sylvan Ganz, Joseph Thalhaimer, R. D. Jones, John Stroele, Peter Kraber, Henry Shry, J. D. Robertson, A. A. Gibson, Ben. Butler, W. H. Hart, B. E. Shillings, E. Ganz, Charles Dobry, Goldman & Co., John Northcutt, M. T. Vieux, J. J. Elliott, Col. Fred Bowler, N. Fulman, William N. Ellis, Frank C. Connelly, Edwin Eisele, F. S. Ingalls, Aaron Goldberg, F. A. Hildebran, S. Oberfelder, Jack Boland, George B. Lewis, Billie Gammel, Mrs. G. M. Edmunds, S. I. Tribolet (president Kay Copper Co.), J. R. Marsh, Jack Gibbon, R. S. Heaton, Sam Bland, H. P. Church, C. B. Smith, I. Rosenzweig, S. J. Michaelson, S. H. Rhuart, S. P. Hoefer, A. Iden, W. S. Burt, J. Miller, D. Goldberg, Jake Cottrell, H. Proops, Hans Herlich, George B. Pruitt, and Ed. L. Shaw, all of Prescott; of the Yuma County Commercial Club, J. H. Westover, president, L. W. Alexander, secretary; Charles Gilroy, J. R. Kerr, chairman Yuma County Democratic Central Committee; R. E. Patterson, Ming & Lee, Marchesi & Hibbart, Ming & Thurston, Townsend & Sullivan, Paul Moretti, Eugene A. Ingram, Dunne Bros., John Deane, John Dunne (town councilman), A. L. Verdugo (town councilman), W. C. Pryor (town councilman), and George Downey (town councilman), all of Yuma; of Mrs. A. N. Aveldson, Mrs. G. C. Obryan, Mrs. C. M. Thorbeck, Mrs. F. E. Hawkins, Mrs. T. F. Shea, Mrs. Lola Beckers, Mrs. Hugo Thorbeck, Mrs. W. Haskins, Mrs. John Lane, Mrs. Otto Pitesch, Andy Issoblio, J. M. Sullivan, B. D. Harrington, Gottlice Fischer, I. Altman, and Gibson & Johnson, all of Jerome, in the State of Arizona; also from Louis Melczer, of Los Angeles, Cal., and of Louis N. Hammerling, president of the American Association of Foreign Language Newspapers (Inc.), Woolworth Building, New York, N. Y., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented a petition of Wescustago Grange, No. 27, Patrons of Husbandry, of Walnut Hill, Me., and a petition of the Biddeford and Saco Sunday School Association, of Saco, Me., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Portland, Me., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union, of Calais, Me., praying for national censorship of moving pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Chamber of Commerce of Waterville, Me., remonstrating against the extension of the parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHEPPARD presented a memorial of the Trade and Labor Council of Palestine, Tex., remonstrating against conditions in the mining district of Colorado, which was referred to the Committee on Education and Labor.

He also presented a memorial of J. Danziger, of El Paso, Tex., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the XLI Club, of Gainesville, Tex., praying for national censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a memorial of Cigar Makers' Local Union, No. 39, of New Haven, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented resolutions adopted by the Union Card and Label League and Trades Union Auxiliary, Local No. 1, of Seattle, Wash., favoring Government ownership and operation of coal mines, which were referred to the Committee on Education and Labor.

He also presented a memorial of the Harrison Woman's Relief Corps, Department of Washington and Alaska, of Chelan, Wash., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of Beer Bottlers' Union, of San Francisco, Cal., and a memorial of sundry citizens of San Francisco, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Springfield and Spencer, in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by Local Branch, Massachusetts Woman's Suffrage Association, of Lawrence, Mass., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Boston, Springfield, Cambridge, South Boston, Dorchester, Roxbury, East Dedham, Medford, Revere, Everett, Somerville, Charlestown, Waltham, Wellesley, Watertown, Malden, Worcester, Chelsea, Allston, Brookline, Hopkinton, Lawrence, Andover, Salem, Fall River, Athol, Wollaston, Winchester, Lynn, and Arlington, all in the State of Massachusetts, remonstrating against Nation-wide prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of the Cigar Makers' Local Union, No. 39, of New Haven, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of the Equal Franchise Leagues of Hartford, Meriden, New London, Manchester, Norwalk, Norwich, Lime Rock, Torrington, Bristol, Guilford, Putnam, Norfolk, New Milford, Brookfield, Farmington, Ridgefield, Wallingford, Danbury, Bridgeport, Greenwich, Waterbury, Danielson, Ansonia, Derby, Shelton, Middletown, and New Haven, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. LEE of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Union Congregational Church, of Wilmington, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KERN presented petitions of the Central Labor Union and the legislative committee of the National Glass Blowers' Association, of Indianapolis, Ind., praying for the passage of the so-called seamen's bill and remonstrating against the ratification of the proposed treaty on the safety of life at sea, which were ordered to lie on the table.

He also presented resolutions adopted at a convention of 750 churches in the State of Indiana, favoring national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of the United Association of Journeyman Plumbers, of Indianapolis; of the Painters' Union of Lafayette; and of the Central Labor Union of Peru, all in the State of Indiana, remonstrating against the ratification of the treaty on safety of life at sea, which were ordered to lie on the table.

He also presented a memorial of the Indiana State Federation of Labor, remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Willimantic, Enfield, and Jefferson, in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a resolution adopted by the Socialist Party of Roseburg, Oreg., favoring the report of the congressional committees on strike conditions in West Virginia, Michigan, and Colorado, which was referred to the Committee on Education and Labor.

He also presented a petition of the Central Labor Union of Portland, Oreg., praying for Government ownership of mines in Colorado, which was referred to the Committee on Education and Labor.

He also presented a petition of Culver, Oreg., praying for the enactment of legislation to provide for correct marking of

fabrics, leather, and rubber, which was referred to the Committee on Manufactures.

Mr. SMITH of Maryland presented a petition of sundry citizens of Baltimore, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry woman-suffrage organizations of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of New Castle County and of Sussex County, in the State of Delaware, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Cheswold and Leipsic, in the State of Delaware, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Henry Elsfelder, Robert Holz, Fritz Gobel, and 528 other citizens of Vanderburgh, Spencer, Gibson, Warrick, Posey, Dubois, and Perry Counties; of D. Johnson, Duke Jones, Warford Hart, and 785 other citizens of Evansville; and of John Bender, John Denn, jr., Albert Graves, and 40 other citizens of Dubois County, all in the State of Indiana, protesting against the passage of Senate joint resolutions 88 and 50 and House joint resolution 168, providing for nation-wide prohibition by constitutional amendment, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Evangelical Church of Nappanee, Ind., favoring the passage of the so-called Smith-Hughes bill, providing for a "Federal motion-picture commission," which was referred to the Committee on Education and Labor.

He also presented a memorial of the Indiana Federation of Clubs, protesting against polygamy in the Mormon Church and favoring an amendment to the Constitution of the United States prohibiting polygamy, etc., which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. JOHNSON, from the Committee on Fisheries, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4725) providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast (Rept. No. 511); and

A bill (H. R. 5884) granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal. (Rept. No. 512).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 34) authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5052) to reinstate Donald Marion McRae as a cadet at the United States Military Academy, reported adversely thereon, and the bill was postponed indefinitely.

ESTATE OF GEORGE WRIGHT, DECEASED.

Mr. BRYAN, from the Committee on Claims, reported the following resolution (S. Res. 361), which was read, considered by unanimous consent, and agreed to:

Resolved, That in compliance with the request of the assistant clerk of the Court of Claims, pursuant to an order of the court, under date of May 8, 1914, the Secretary of the Senate be, and he is hereby, instructed to return to the Court of Claims the order of dismissal in the following case, namely, George Wright, deceased, against the United States, No. 14978, subnumbered 14, and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SAULSBURY:

A bill (S. 5543) to acquire the manuscript of Charles Chaillé-Long, containing an account of the unveiling of the McClellan Statue; to the Committee on the Library.

By Mr. JOHNSON:

A bill (S. 5544) granting a pension to Timothy Stone; and

A bill (S. 5545) granting an increase of pension to Lizzie U. Ricker; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 5546) granting an increase of pension to John L. Shields (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5547) granting an increase of pension to Anna B. Davis (with accompanying papers); to the Committee on Pensions.

A bill (S. 5548) for the relief of George H. Rarey (with accompanying papers); to the Committee on Claims.

By Mr. SMITH of Arizona:

A bill (S. 5549) granting an increase of pension to Elizabeth Pulsipher; to the Committee on Pensions.

By Mr. OWEN (by request):

A bill (S. 5550) to secure to the United States a monopoly of means for the transportation of oil by pipe lines; to provide for the acquisition by the Department of the Interior of the trunk pipe lines, pumping stations, and terminal facilities, and to operate the same; to the Committee on Interstate Commerce.

By Mr. DU PONT:

A bill (S. 5551) granting a pension to Ellen Davis; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. RANSDELL submitted five amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SHIVELY (for Mr. STONE) submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. ASHURST submitted an amendment authorizing the Secretary of the Navy to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

DEVELOPMENT AND CONTROL OF WATER POWER.

Mr. BURTON submitted the following resolution (S. Res. 362), which was read and referred to the Committee on Printing:

Resolved, That 1,000 additional copies of Senate Document No. 274, Sixty-second Congress, second session, entitled "Hearings on the Development and Control of Water Power Before the National Waterways Commission," be printed for the use of the Senate document room.

PROPOSED DRY DOCK, NORFOLK, VA.

Mr. SWANSON. Mr. President, I ask unanimous consent to have printed in the RECORD without reading a statement of Mr. E. E. HOLLAND, Representative of the second Virginia district, in which is located Norfolk. It is not a very long statement, but it shows the advantages of the lower Chesapeake Bay as a naval base. It contains a great deal of valuable information, and as the naval appropriation bill is soon to come before the Senate I think the statement will be of much interest to Members of the Senate. I therefore ask that it may be incorporated in the RECORD.

Mr. HITCHCOCK. What is the request?

Mr. SWANSON. It is that a very short statement, which will not take two pages, may be printed in the RECORD, made by Mr. HOLLAND, a Member of Congress from the second Virginia district, in regard to the advantages of Norfolk and the lower Chesapeake Bay as a naval base. It contains a great deal of valuable information, and as the naval appropriation bill will come up in the Senate in a few days, I think it will be a matter of interest to Senators to read it. I simply want to have it printed in the RECORD, where Senators will see it. There is no necessity to have it read at the desk. It will not take more than a page and a half, I think.

Mr. HITCHCOCK. It is rather unusual for the Senate to order the publication of a speech by a Member of the other body.

Mr. SWANSON. It is not a speech made in the House. It is a statement, and I think it would be of interest to Senators to have it appear in the RECORD. I hope the Senator from Nebraska will not object.

Mr. HITCHCOCK. I am wondering when we are going to reform by excluding from the RECORD matters which are not properly a part of it.

Mr. SWANSON. We have not been doing that. We put petitions in the RECORD. A great deal of this matter has been included in a petition of the people of Norfolk, but I think this is a better and clearer statement of the situation.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. E. E. HOLLAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA.

Mr. HOLLAND. Mr. Chairman and gentlemen of the committee, I thank you very much for this opportunity of laying before you Norfolk's claims to the proposed dry dock. Virginia has no representative on your committee and on this account may be placed at some disadvantage. Your permission, however, to appear before you and discuss Norfolk's case with you, as best I can, is an evidence of your desire to be fair and impartial in your consideration of it, and to hear all that can be said on either side before any conclusion is reached. If you will permit me first to present our case and will then ask me such questions as you may desire me to answer, I shall very much appreciate it.

This is not, and should not be made, a sectional or political question. The fact is I had hoped that the time had come when we could consider questions of this kind in a spirit of broad patriotism and solely with reference to the good of the Navy and the good of the Nation. I had believed that the time had come when the narrow sectional spirit of other days had been abandoned, and when, with clearer vision, we could see beyond the limits of our own particular States and find need for improvements not to be located therein. Politics and sectionalism should never be allowed to interfere with our naval progress.

I am willing that this committee shall impartially consider the particular merit of each yard, and then vote for such improvements at each yard as will best promote the interest of the Navy and of the Nation, and without reference to the location of the improvement or to the interest of any particular individual or to any particular State therein. I have a strong conviction that patriotism demands that we shall follow such a course.

I wish that it shall be distinctly understood that I am not opposed to appropriations required for improvements actually needed at stations other than Norfolk. I am absolutely unwilling that my desire for needed improvements at the Norfolk yard shall in any way influence me to oppose needed or even similar improvements at other yards. I am opposed, however, to the mistaken policy of developing any yard without reference to its adaptability for the purposes for which its location best suits it. Such a policy has been too long followed, has resulted in large and unnecessary expenditures, and has not contributed to the military value or usefulness of the yards. In the interest of economy, as well as in the interest of the efficiency of the Navy, such a policy ought to be abandoned.

Everybody knows that every yard is not suitably located for shipbuilding and that every yard is not suitably located for ship docking, and that it is a useless waste of money to provide such equipment and facilities at points where they will not be needed or used for such purposes.

Hastily considered extensions, and without reference to any particular plan or purpose, ought not to be made, and the yards ought to be developed so as to make them of most value for general navy-yard work, and at the same time of most service to the Navy. If you will follow some well-matured plan, a practical and logical development can be had, the expenses of operation lessened, and the actual service of the yards increased. So far as I am concerned, I will say to you, in all frankness, that I do not ask for any improvements at the Norfolk yard that will not contribute to the public good and to the greater efficiency of the Navy.

Having made this general statement of my position with reference to navy-yard improvements and extensions, I desire now to submit to you for your consideration the reasons which have convinced me that certain improvements ought to be made at the Norfolk yard.

I can say nothing in favor of the Norfolk Navy Yard that has not repeatedly been said by Army and Navy experts, men whose trained judgment ought to be entitled to your confidence and to your serious consideration.

For the past 100 years every Secretary of the Navy and every commandant of the yard, with hardly a single exception, has made recommendations for its improvement and extension, and naval boards appointed from time to time to examine and report on its condition have repeatedly declared "that no yard belonging to the United States from its geographical position is more important."

As early as the year 1869, before the passions of the great Civil War had subsided, and when the area of the Norfolk yard was smaller by 272 acres than it is to-day, a naval board composed of Rear Admiral Stringham, Admiral Stribling, and Commodore S. P. Lee, appointed by the then Secretary of the Navy to investigate the condition of navy yards and make recommendations concerning them, reported with regard to the Norfolk Navy Yard as follows:

"This is considered the best site on the Atlantic seaboard for a large navy yard. It is situated near the capes of the Chesapeake Bay on the Elizabeth River. Its natural features—proximity to the sea, central position on the coast, mild climate, secure defense by land and sea, a large accessible harbor, safe from wind, sea, and ice; grand extent of fit and inexpensive land, supplying the most abundant and convenient water front, and almost natural basins, like Paradise Creek—are extremely favorable for the construction of a great and national navy yard for all purposes which modern naval warfare requires."

As late as 1912 Secretary of the Navy Meyer testified before the Committee on Naval Affairs as follows:

"I studied the conditions on the Atlantic coast from Charleston to Portsmouth and put the matter up to the General Board of the Navy, and after they had given their opinion I further assigned it to the joint Army and Navy board for consideration, and they reported that the ideal plan for the Navy would be to have two great naval bases on the Atlantic coast in harbors which would receive and could maintain the entire fleet and its auxiliaries. It appeared self-evident that the only two places which could receive the fleet and all its auxiliaries were Hampton Roads, where we have the Norfolk Navy Yard, and Narragansett Bay. If we were freshly confronted with the duty of locating and building the naval stations required on the Atlantic without regard to existing stations, the interests of the Navy and the Nation would be best served by the establishment of one first-class station on the coast north of the Delaware, equipped for docking, repairing, and provisioning at least half of the entire fleet, and one station of the same capacity at Norfolk."

And Admiral Mahan, generally recognized as one of our greatest naval experts, in Naval Strategy, pages 169–170, makes the following statement:

"Chesapeake Bay and New York, on our Atlantic coast, are two points clearly indicated by nature as primary bases of supply, and consequently for arsenals of chief importance. For these reasons they are also proper ports of retreat in case of a bad defeat, because of the resources that should be accumulated in them."

These statements, if any reliance whatever can be placed in the judgment of Army and Navy experts, furnish the most conclusive evidence that the Norfolk Navy Yard ought to be made one of the great naval bases of the country. Such a naval base should have ample docking and repair facilities and should be so equipped that ships could go there on short notice and be docked, repaired, coaled, supplied, and sent out again with a minimum loss of time. And if the interest of the Navy and of the Nation can be best served by the establishment of such a base, and this is the overwhelming opinion of all Army and Navy experts, then its equipment with proper docking and repair facilities for such a purpose ought not longer to be neglected. It already meets all the other essential requirements for such a naval base.

First. It is located on deep water. The Norfolk-Portsmouth Harbor, on which it is located, is one of the very best on the Atlantic coast, and is accessible at all seasons of the year. It has been so pronounced by ship captains of every nation of the world, by the greatest masters of rail and water transportation in this country, and by every naval board that has been appointed to examine it. It is free from obstruction, free from severe storms, and free from damage by ice. The depth of water from the yard to the sea, only 27 miles distant, is 35 feet, and additional depth, when desired, can be easily obtained and at comparatively small cost. The width of the channel is now 400 feet—will soon be increased to 600 feet—and is sufficiently wide to enable the largest ships of the Navy to reach it without difficulty. There is so little silting in the channel that this width and depth can be easily maintained. And the average range of tide in the river is only about 2½ feet, and never interferes with the safe and easy navigation of the harbor.

Some one, it is true, has suggested that the yard is located "on a little river"; but it is also true that the Norfolk-Portsmouth Harbor, in which it is located, together with Hampton Roads, which is a part of it, is big enough to handle annually more than 23,000,000 tons of water commerce, valued at more than a billion and a half dollars, and is also big enough to float the combined navies of the world.

Some doubt having been expressed as to the depth of the channel, I submit herewith a letter from the Chief of Engineers, United States Army, which reads as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
October 4, 1913.

Hon. E. E. HOLLAND,
House of Representatives.

SIR: Replying to your letter of the 2d instant, I have the honor to inform you that the project for the improvement of Norfolk Harbor provides for a depth of 35 feet at mean low water, and on June 30, 1913, there existed a channel from deep water in Hampton Roads to above the Norfolk Navy Yard of not less than 35 feet at mean low water, but the controlling depth over Thimble Shoal, between Hampton Roads and the ocean was on June 30 only 34 feet at mean low water. It is expected, however, that the full project depth of 35 feet will soon be available over this shoal.

Very respectfully,
WM. T. ROSSELL,
Chief of Engineers, United States Army.

This project has now been completed and a survey has been asked for, with a view to securing a depth of 40 feet. With such a depth any battleship of the Navy can reach the station without difficulty. Two of the Navy's largest dreadnaughts did reach it and were successfully docked at this station only a few months ago.

The modern dreadnaught when leaving a navy yard, with all ammunition, coal, and stores aboard, will have a mean draft of 29 feet 9 or 10 inches, and probably an extreme draft of more than 30 feet. I have the following letter as my authority for this statement:

BUREAU OF CONSTRUCTION AND REPAIR,
January 15, 1914.

MY DEAR MR. HOLLAND: Referring to your inquiry of the 12th instant, I have the honor to inform you that the battleships *New York*, *Texas*, *Nevada*, and *Oklahoma* have a mean draft, under normal displacement—that is, with two-thirds coal, two-thirds ammunition, and two-thirds stores aboard—of 28 feet 6 inches. When leaving a yard, with all coal, ammunition, and stores aboard, they will have a mean draft of 29 feet 9 or 10 inches. Depending upon the distribution of stores, it is probable that each of these vessels will have an extreme draft at one end or other of the ship of more than 30 feet. With the increase in size of ships, it is unquestionable that drafts will be further increased.

Very sincerely,
R. M. WATT,
Chief Constructor, United States Navy.

The Philadelphia yard is located on the Delaware River. The Delaware River has a probable depth of 30 feet 1 inch at mean low water. It will take years of time and millions of money to complete the authorized project of 35 feet for that river. I have the following letter as my authority for this statement:

OFFICE OF CHIEF OF ENGINEERS,
January 15, 1914.

Hon. E. E. HOLLAND,
House of Representatives.

SIR: I acknowledge receipt of your request of the 13th instant. I have the honor to advise you that the maximum draft that can be carried over the shoalest part of the Delaware River from the sea to the navy yard at Philadelphia is 30.1 at mean low water. The mean range of tide varies from 5.3 feet at Philadelphia to 6 feet at the head of the Delaware Bay. The width of this channel is 600 feet in the straight reaches and somewhat wider at the heads.

Second. The annual report of the Chief of Engineers for the year ending June 30, 1913, shows that the 35-foot channel for this section of Delaware River was on that date about 12½ per cent completed. The estimated cost of this channel is $10,920,000, of which $4,110,000 has been appropriated to date, leaving $6,809,200 yet to be appropriated.

Third. During the past fiscal year approximately $1,000,000 was expended in furthering the work on this project. At this rate 10 years would be required to complete the improvement. The present plans contemplate an expenditure of approximately $2,000,000 a year, which would thus cut the time for prosecuting the work down to five years. As a matter of fact, however, the length of time which will be required to carry this work to completion will depend upon the rate at which appropriations for the work are made by Congress.

Very respectfully,
EDW. BURR,
Colonel, Corps of Engineers, Acting Chief of Engineers.

This letter shows that, so far as the War Department is concerned, the channel of the Delaware River is "legislatively completed at 30 feet for mean water," but the actual channel conditions are probably more accurately described by Representative MOORE, of Philadelphia, one of the best informed men in the House on questions of this kind, in the argument he made before the House Committee on Naval Affairs last year. At that time he made the following statement:

"They have reported that we have 30 feet of water, so far as all legislation and engineering is concerned, for a length of 60 miles. There are creeks and rivers running into the main channel which add to the silt formation. It is a slushy, soft sort of material, and men who navigate the river differ as to the actual bottom depth; but it is a fact that we have more than 28 feet at mean low water, and we have what the Army engineers and shipping men consider an actual 30-foot mean low water depth, including this silt. At this time we are working under the new appropriation on a 35-foot channel, and that work demonstrates that here and there may be a formation of silt which raises the bottom at certain points in this 60-mile length. Vessels drawing more than 28 feet can and do push their way through it, but they take advantage of the tides. The problem is one of dredging and maintenance, and we are now trying to meet it." (See CONGRESSIONAL RECORD, 62d Cong., p. 2136.)

The maintenance of the present depth, according to the report of Lieut. Col. Kuhn, "has at all times necessitated careful observation of the channel at all points by survey parties, and the prompt removal of any shoaling on the first indications" (see Rept. U. S. A. Engineers, 1913, p. 1747), and at a total cost of more than $300,000 for the past year, or nearly one-eighth of the total amount expended by the Government on the maintenance and improvement of the Norfolk-Portsmouth Harbor since 1876.

But the depth of the Delaware River, if 30 feet 1 inch at mean low water, is not sufficient for its safe navigation by the present large dreadnaughts, and certainly will not be safe for vessels of larger size and of increased draft. The battleships *New York, Texas, Nevada,* and *Oklahoma* "have a mean draft, under normal displacement, of 28 feet 6 inches," and according to the best "expert naval opinion a safe channel should be swept to at least 3 feet below the maximum battleship draft." I have the following letter as my authority for this statement:

NAVY DEPARTMENT, *January 27, 1914.*

MY DEAR MR. HOLLAND: Your letter to Rear Admiral Blue, respecting the depth of water that should be under a battleship's keel for safe investigation has been brought to my attention, and I beg to reply as follows:

Expert naval opinion considers that a safe channel should be swept to at least 3 feet below the maximum battleship draft. Thus a battleship drawing 32 feet could safely use a channel with 35 feet of water at mean low water. The extra 3 feet is necessary, because every ship "squats" when proceeding in shallow water, the amount of "squats" or increase in draft depending upon the speed. The General Board of the Navy has recommended a practicable depth of 40 feet in all approaches to navy yards, because a ship drawing 32 feet—the maximum draft of new construction—with her compartments forward flooded, is estimated to increase her draft to 39 feet. By proceeding dead slow, she could use a channel with a known depth of 40 feet. The above figures apply to smooth water. If there is an ocean swell at the entrance to a channel, an additional allowance must be made, and this allowance depends upon local conditions. When strong local offshore winds blow for a considerable time, the depth of water in channels leading to large estuaries, such as Chesapeake Bay, and certain harbors, as New York, is very appreciably decreased.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

Hon. E. E. HOLLAND,
House of Representatives.

Would a practical business man, with full knowledge of the condition of the channel approaches to the two stations, build at this time a dry dock capable of accommodating the biggest ships of the Navy, at Philadelphia or at Norfolk?

Second. It is located sufficiently far from the sea to prevent its bombardment by an enemy's fleet, behind ample defenses, independent of the fleet, and with an approach channel that can not be easily obstructed.

The naval board appointed in 1869 to make a report on the conditions of the Norfolk yard, said:

"It is, though near the sea, as inaccessible to attack as if it were far inland, possessing every advantage required for defense by land and by sea, and by its exterior and exterior lines of defense. Its situation is healthy, in a temperate climate, in the sea air, and on a firm, sandy soil."

It has ample defenses independent of the fleet. Large fortifications have been erected by the Government at Fortress Monroe, and these are ample to protect the yard and also to prevent any obstruction of the approach channel. When Cape Henry is fortified, as is now contemplated, it will be the best protected yard on the coast, and can, in the opinion of Army and Navy experts, be easily maintained, even in time of war, as the greatest distributing, equipping, and refitting station of the Navy.

Third. It has good communications, both by rail and water, with manufacturing and supply centers, and is capable of furnishing quickly sufficient coal, fuel, oil, provisions, and other supplies for naval vessels.

Eight great trunk lines, having a trackage of nearly 50,000 miles, and 32 foreign, coastwise, and river lines, operating and reaching out in every direction, connect the Norfolk yard with all the principal material supply depots in the country. Materials of all kinds and of the very best quality used in the construction or repair of ships can be assembled here with great dispatch and at the lowest cost. Such materials, and in such quantities as may be desired, are now assembled at Newport News, located in almost the same harbor, at prices which enable the great shipbuilding plant at that point to successfully compete with all other shipbuilding plants in the country for Government work.

It is now recognized as the great clearing house of the fleet for coal, oil, ammunition, and stores. More than 45 per cent of the coal consumed for naval purposes on the Atlantic coast is delivered to ships and vessels of the fleet from the great terminal coaling points on Hampton Roads. Naval colliers also carry large quantities of this same coal from these same points to the Pacific coast. The kind of coal delivered from these piers is the celebrated Pocohontas coal, long since recognized as the very best steam coal on the market for naval purposes.

Great quantities of ammunition are prepared, assembled, and stored at the naval magazine at St. Juliens, only a few miles from the station. More than 3,000,000 separate pieces of ammunition, including shells, cartridges, and explosives, were delivered from this station to such vessels during the six months ending December 31, 1912.

On the opposite side of the river from the yard are great oil tanks from which vessels can be promptly supplied, and also the St. Helena Training Station, one of the very best, and certainly the least expensive, stations owned by the Government. During the fiscal year ending July 1, 1912, 4,932 men were transferred from this station to seagoing vessels.

I have mentioned these facts to show that this yard, already the Navy's greatest coal, ammunition, and stores supply station, can, by reason of its location and its splendid rail and water transportation facilities, be as easily made one of its greatest material supply depots. I have also mentioned them to show that naval vessels, after they have been docked, repaired, or constructed at this yard, can then be quickly supplied with coal and ammunition, provisioned, and prepared for any cruise or for any service.

Fourth. It is located at a point where climatic conditions are unsurpassed, and where an efficient force of skilled workmen can be secured and maintained at all times.

The climatic conditions of the yard are almost ideal. Its mean temperature is as follows: Spring, 57°; summer, 78°; autumn, 62°; winter, 42°. Severe weather never interferes with its work. Workmen can be comfortable while at work, and are thereby enabled to do better work and in much better time than if compelled to work under different climatic conditions. With a certainty of steady employment, and with a certainty of cheap and comfortable homes, which can easily be had either in Norfolk or Portsmouth, mechanics will be attracted to this yard and an efficient force of workmen can be maintained at all times.

This is best evidenced by the fact that at Newport News, practically within the same harbor, and where climatic conditions are similar, no difficulty has been experienced by the private shipbuilders there in maintaining a sufficient force of skilled mechanics, and at such fair and reasonable wages as to enable them to secure contracts for building great battleships for the Government in competition with all the other great shipbuilders of the country. If such a force of skilled workmen can be secured and maintained at Newport News by private parties, it can hardly be doubted that equally as large a number can be secured and maintained at Norfolk by the Government.

This station, therefore, meets all the requisites for a great naval base, with the single exception that it has not sufficient means for the upkeep and repair of the fleet. Its docking and repair facilities are inadequate. There is an especially urgent demand for additional docking facilities, and for the reasons, briefly stated, as follows:

First. By reason of its geographical location it is visited by a larger number of naval ships and vessels than any other station on the coast.

Naval ships and vessels pass and repass it in going to and returning from all points south of Cape Hatteras. They call at this station for coal, ammunition, stores, and necessary dockings and repairs.

When we examine the sheets issued by the War Department showing the daily movements of vessels for the year 1912 we find, according to a report made by Capt. J. B. Patton, of the Navy, the following:

Arrivals and departures of vessels.

Norfolk Navy Yard	642
Norfolk Harbor, including Hampton Roads	662
Total	1,304
New York Navy Yard	375
New York Harbor, including North River, East River, and Tompkinsville, and including 246 arrivals and departures during naval review, Oct. 12, 1912	437
Total	812
Boston Navy Yard	202
Boston Harbor	1
Total	203
Philadelphia Navy Yard	123
Philadelphia Harbor	0
Total	123

Arrivals and departures, as shown by Movements of Vessels, issued daily by the Navy Department, for the calendar year 1913, are as follows:

Norfolk Navy Yard	564
Norfolk Harbor, including Hampton Roads	828
	1,392
New York Navy Yard	455
New York Harbor, including Tompkinsville, North and East Rivers	142
	597
Boston Navy Yard	179
Philadelphia Navy Yard	138

These figures show that during the years 1912 and 1913 the number of naval ships and vessels at the Norfolk yard for docking, repairs, and other purposes, and in Hampton Roads for coal, ammunition, and stores, was larger than at all the other yards on the Atlantic coast. I have made no examination for the purpose of comparing these figures with the figures for others years, but I am satisfied a close examination will disclose that they are not unusual.

Mr. LEA. I would like to make just a brief statement there. It is pretty hard to answer a statement some time after it has been made, and I would like to answer that statement at this point. I simply want to suggest that two-thirds of the tonnage of the naval rendezvous at New York in October a year ago came from the Philadelphia Navy Yard.

Second. In consequence of the large number of ships that go to this yard the number of necessary dockings is larger than at any other station on the coast.

Hampton Roads is the fleet's rendezvous. Its drill and practice grounds are near the Capes. Its peace cruising is largely done in the West Indies. Ships pass and repass this point in going to and returning from the Panama Canal. It is quite certain, therefore, that

the number of ships which will go to this station for docking, repairing, and other purposes, and to Hampton Roads for coal, ammunition, and supplies, will largely increase each year.

For the calendar year 1912, according to a report made by Capt. J. B. Patton to the department, the number of vessels docked at the several yards on the Atlantic coast was as follows:

Norfolk	103
New York	82
Boston	53
Philadelphia	33

"If we credit," says Capt. Patton, "New York with only 3½ docks, because No. 4 Dock was only in use half the year, and Norfolk with 2½ docks, because No. 1 was used exclusively for six months in rebuilding the *Warrington*, then the activity of the docks at the several yards is indicated by the following figures:

	Vessels.
Norfolk docked per dock per annum	41
Boston docked per dock per annum	26
New York docked per dock per annum	23
Philadelphia docked per dock per annum	16

And this is not an exceptional showing for this yard.

In a letter from the Chief of the Bureau of Construction and Repair, dated August 22, 1913, I find the following statement:

Data regarding vessels docked during the past year.

	Number of vessels docked.	Days dock in use.
Navy yard, Boston:		
Dock 1	32	192
Dock 2	23	175
Total	55	
Navy yard, New York:		
Dock 1	29	237
Dock 2	18	289
Dock 3	26	202
Dock 4	16	168
Total	89	
Navy yard, Philadelphia:		
Dock 1	15	231
Dock 2	28	222
Total	43	
Navy yard, Norfolk:		
Dock 1	28	234
Dock 2	53	266
Dock 3	63	278
Total	144	

This is an exceedingly interesting statement. It shows that we docked at Norfolk last year more than 40 per cent of all the ships docked at all the stations on the Atlantic seaboard. It shows that during the past year as many ships were docked at the Norfolk station as at any two other stations on the coast, considerably more than twice as many as at Boston and considerably more than three times as many as at Philadelphia. It also shows a greater activity of the docks at the Norfolk station than at any other station, each dock at this yard having been in use a greater number of days during the year than any dock at any other yard, with the single exception of Dock No. 2 at the New York yard.

I also submit herewith a statement showing the number of vessels docked at the several yards for the years 1909, 1910, and 1911. This is also an interesting statement. It shows the increasing activity of the docks at the Norfolk yard. Sixty-six vessels were docked here in 1909 and 144 in 1913. At Philadelphia 25 vessels were docked in 1909 and 43 in 1913.

Navy yard.	Dock No.	Number of vessels.			Days dock was in use.		
		1909	1910	1911	1909	1910	1911
Boston	1	14	29	15	89	176	72
	2	12	28	19	93	117	125
Total		26	57	34	182	292	204
New York[1]	1	27	34	32	213	223	196
	2	8	16	2	51	151	251
	3	13	15	26	157	180	166
Total		48	65	60	421	554	613
Philadelphia	1	13	16	6	180	101	253
	2	12	17	20	186	206	136
Total		25	33	26	366	307	389
Norfolk	1	28	20	43	321	277	235
	2	30	24	36	275	233	228
	3	8	16	23	102	132	131
Total		66	60	102	698	642	594

[1]Dry Dock No. 4 was not commissioned until May 9, 1912. First vessel docked Dec. 8, 1906.

If a larger number of vessels are docked per dock per annum at this yard than at any other yard, and if the docks at this yard are used a greater number of days during the year than the docks at the other yards, it would seem to follow that there is a more urgent demand for additional docking facilities at this yard than at any other on the Atlantic coast.

Third. The present docking facilities at the yard are insufficient to meet the needs of the fleet.

This can be established, first, by the testimony of Army and Navy experts, and, second, by the actual physical condition of the docks at the yard.

On page 181 of the hearing before the committee Admiral Stanford, Chief of the Bureau of Yards and Docks, made the following statement:

"The present docking facilities are overtaxed. The present docks are insufficient for the docking of vessels that are now assigned to the yard."

The Board of Inspection for Shore Stations, in its recent report, said: "While an additional dry dock would increase the docking facilities at this yard, it would not constitute a reserve, since the present docking facilities are inadequate"

We now have three docks at this station. Dock No. 1 is a small dock and has been in use since 1832. At that time only wooden ships were constructed. Dock No. 2 is a timber dock and was completed in 1889, or 25 years ago. It is already beginning to show signs of weakness and decay. It is necessary to make large annual repairs on it in order to keep it in condition to be used. The life of a timber dock is only 30 years. Referring to this dock, the Chief of the Bureau of Yards and Docks, in a letter dated September 16, 1913, says:

MY DEAR CONGRESSMAN: Replying to your letter of yesterday (the 13th), inquiring as to the present condition of the timber dry dock at Norfolk—Dry Dock No. 2—and how many years it can probably be safely used, the bureau begs to state that this dock was completed in 1889 and has never received any extensive repairs. The average life of a timber dock, without extensive repairs, is generally assumed to be about 30 years, depending largely on local conditions, but this dock has withstood deterioration unusually well and is now in fairly good condition. It is estimated that it is good for 10 years' useful life, with an annual expenditure of about $3,000. This estimate, however, is based upon a superficial examination which, of course, does not disclose the condition of the foundation, piling, and framework, but is thought to be conservative.

Very respectfully,

H. R. STANFORD, *Chief of Bureau.*

The life of this timber dock is therefore very uncertain. It certainly can not be many years until it becomes unfit for use. It would most probably be condemned before a new dry dock could be completed, even if one should be authorized at this session. Fifty-three vessels were docked in it during the past year. Without this dock many of these dockings, although necessary to maintain the efficiency of the fleet, could not have been had at this station.

Dock No. 3 is the only dock at the yard capable of accommodating the largest ships and is in almost continuous use. If this dock should be damaged or should have to be repaired or should have to be used for many months by one ship undergoing extensive repairs, then the yard could not furnish the docking facilities necessary for the actual needs of the fleet. It is always wise to provide for such contingencies as may reasonably be expected. It is not unreasonable to expect that this dock may have to be repaired or may have to be occupied for a considerable time by a vessel undergoing repairs.

The number of large battleships is increasing. Injuries to ships, necessitating prompt dockings, are liable to occur at any time, and vessels in distress invariably seek this yard. With Hampton Roads used by the fleet as its most frequent base of operations, there is a greater probability of unforeseen dockings at the Norfolk yard than at any other station on the coast. Would it not be the part of prudence to provide ample docking facilities at this section for such contingencies?

There is only one other dock on the Atlantic coast capable of accommodating the biggest ships of the Navy. Would you send these ships there to be docked? Could this station, in addition to the ships assigned to it, take care of the additional dockings required? And if it could, would not the delay and expense of sending ships to that station be considerable and sometimes dangerous?

The fact that docking facilities at this yard are inadequate and that additional facilities are needed is convincingly shown by the circumstances attending the recent arrival there of the disabled battleship *Vermont*. The battleship *Vermont* was docked immediately upon its arrival in order that the extent of its damage might be determined. The battleship *Delaware*, which convoyed the *Vermont* to Norfolk, was found to need examination. There being only one dock there in which the *Delaware* could be examined, it was necessary to undock the disabled warship *Vermont* before any repairs on it had been undertaken and dock the *Delaware* in order that its condition could be ascertained. In the meantime the *New Hampshire* and the *Louisiana* had reached the station, and it was necessary to delay the docking of these warships until the repairs on the *Delaware* could be completed. Such a condition, liable to occur at any time, not only makes it imperative to provide additional docking facilities at this station, but proves conclusively that the present facilities are inadequate.

With such evidence and such conditions before them, the Army and Navy experts have recommended additional docks for this station, and these recommendations have been approved by the department.

The basic value of any yard is usually measured by its dry-dock possibilities and its dry-dock facilities. Its strategical, commercial, and manufacturing advantages, "as well as its adaptability and capacity for contributing to the endurance and efficiency of the fleet," largely determine its military usefulness. The Joint Army and Navy Board must have been satisfied that its dry-dock possibilities were apparent and could easily be enlarged, and that its advantages made it a station of the greatest military usefulness, or else this board would not have advised Secretary Myer "that the interest of the Nation and of the Navy could be best served by the establishment at Norfolk of a first-class station, fully equipped for docking half the fleet."

The Board of Inspection for Shore Stations, in its recent report, declared "that the most important improvement needed at the Norfolk yard, and the one which should be provided at the earliest possible time, is an additional dry dock of the largest dimensions," and gave as one of the reasons for its conclusion "that this yard is centrally located and more liable to be called upon for unforeseen repairs and unforeseen dockings than any other station on the coast."

Admiral Stanford, Chief of the Bureau of Yards and Docks, in the hearing before the committee, page 173, quotes this recommendation of the board in full, and gives it his indorsement.

Admiral Watt, Chief of the Bureau of Construction and Repair, on page 260 of the hearings before the committee, stated that "the lower Chesapeake is a natural base, and that a permanent naval base should have ample docking and repair facilities."

Capt. Winterhalter, speaking for the General Board, recently said, in part, as follows:

"Sectionalism does not enter into the consideration for the good of the Navy. The General Board expresses the best thought of the Navy, embodying research and investigation, together with calm deliberation upon the needs of the right arm of the national defense. Its conclusions may be accepted as those of minds ripened by long experience in the service."

A dry dock of 1,700 feet is necessarily long and unnecessarily expensive. But in order to place Philadelphia in its proper strategical position with regard to the dry-dock question, I requested the General Board, on last Tuesday, for its opinion as to the relative order of importance of location of the next needed large docks. This is it:

"The provision of a new dry dock at Philadelphia should wait upon the provision of the new dry docks at Guantanamo, Norfolk, and New York, in that order of importance, unless the appropriations can be obtained for simultaneous building. That is the Atlantic dry-dock solution—the Navy needs—brought up to date. (See Philadelphia Inquirer, Dec. 20, 1913.)"

Admiral Stanford, Chief of the Bureau of Yards and Docks, on page 184 of the hearings, after quoting the recommendation of the general board as to dry docks, said:

"The recommendation for the Norfolk dock has been repeatedly urged for the past four years."

Could expert evidence in favor of the location of the new dry dock at Norfolk be stronger? It is not the opinion of a single board, but the general consensus of opinion of all the Army and Navy experts who have for years calmly deliberated upon the needs of the Navy, the unbiased conclusion of men whose minds have been ripened by years of experience in the service. Such recommendations had, and ought to have had, strong weight with the Secretary of the Navy. Convinced that he ought to approve them, he did not hesitate to do his duty and to recommend that an immediate appropriation be made with which to begin the construction of the proposed dock. Supported by the best judgment of the Army and Navy experts from every section of the country, he need not be disturbed because of some unjust criticism of his course. I sincerely hope that this committee will adopt his recommendation and will make the appropriation asked for.

I have heard only three objections to the location of the proposed dock at Norfolk.

The first objection is that the channel conditions of the river in front of the yard at Norfolk are not satisfactory.

It is true that these conditions are not entirely satisfactory, and ought to have been improved years ago. Under a project adopted March 2, 1907, a dredged channel 30 feet deep, 600 feet wide from Hampton Roads to Lamberts Point, 800 feet from Lamberts Point to the navy yard, and from 470 to 700 feet in the Southern Branch of the Elizabeth River, was provided for.

By the act of June 25, 1910, the dredging of the channel 35 feet deep and 400 feet wide at mean low water from deep water in Hampton Roads to the Belt Line Bridge above the navy yard, a distance of 11 miles, was authorized. Both of these projects have since been completed, and, in addition, the channel conditions have been improved by dredging authorized from time to time by the Navy Department.

The depth of the dredged channel in front of the navy yard is now 35 feet and from 470 to 700 feet wide, varying according to the pierhead lines on the opposite side of the river. In front of Dry Dock No. 3 this channel is now about 600 feet wide.

Mr. KELLY. How long are the longest battleships?

The CHAIRMAN. I think the longest is five hundred and some odd feet.

Mr. KELLY. How wide is the river in front of the yard?

Mr. HOLLAND. In front of Dry Dock No. 3 this channel is now about 600 feet wide.

This is best evidenced by the fact that two of the Navy's largest battleships, the *Texas*, 565 feet long, and the *Wyoming*, 568 feet long, were recently successfully docked at this station. Steps are now being taken, however, to improve these channel conditions. An appropriation has already been made for the purpose of acquiring, by purchase or condemnation, land on the opposite side of the river at the narrowest point. No agreement could be reached between the Government and the owners on the price to be paid therefor, and, in consequence, proceedings have been instituted for the purpose of acquiring this land by condemnation. These proceedings will shortly be terminated, and, before the completion of the proposed dock, if authorized at this session, the maximum width of channel required for all naval needs can and will be secured, and at a cost not exceeding the appropriation already made therefor. In addition to the improvements already authorized, it is confidently expected that a project providing for a channel 35 feet deep and 600 feet wide, recommended in a recent report and approved by the Board of Engineers for Rivers and Harbors, will be adopted at this session of Congress. When all these improvements are completed, there will be a dredged channel 750 feet wide and 35 feet deep and an available width fronting Dry Dock No. 3 of at least 850 feet. And my information is that if the proposed new dry dock is located, as suggested by Admiral Stanford, Chief of the Bureau of Yards and Docks, there will be in front of this dock an available channel width of at least 1,500 feet. These channel conditions are not, therefore, as grave as some people would have you believe. They can be easily improved, within a reasonably short time, and at a price less than the cost of maintaining the channel in the Delaware River for one year. The fact is, that the channel, without any improvements, is now deep enough to permit the biggest battleships to reach the yard, and, when the authorized improvements are completed, will be wide enough to permit the largest ships now contemplated to be docked there without the slightest difficulty or danger. This objection, therefore, is a mere pretext for opposing, and not a real objection to, the proposed improvement.

The second objection is that the location of the proposed dock is a short distance from the present yard shops.

This is true, but a casual inspection of the yard and a careful study of the location, character, and condition of the buildings will convince any impartial person that this objection is not entitled to serious weight. The present facilities at the yard for economical work, as well as the necessary conveniences for such work, are not such as will be found at any modern shipbuilding plant. Admiral Stanford, in the hearing before the committee, page 173, made the following statement:

"The present yard structures are poorly arranged and poorly designed for the demands which are being made upon them. When this yard was first built they were building wooden ships, and the shops were designed for the building of light-draft wooden vessels."

In the recent report of the Edwards Board I find the following:

"The Norfolk yard, being one of the oldest in the country, contains many old buildings, of a design and construction which, judged from modern industrial needs, are neither adaptable for storehouses nor for manufacturing purposes. While they were undoubtedly of excellent construction for the period in which designed, and have served the purpose for which built, some are now showing signs of weakness and the lives of all can not probably be greatly prolonged. It would undoubtedly promote both economy and efficiency to give consideration to the question of erecting new buildings in preference to attempting any important improvement or extension of buildings which were designed for conditions that no longer exist, and which can not possibly again prevail."

These statements are convincing that new buildings and new machinery must be provided if the yard is to be successfully operated even as a repair station.

A practical business man always strives to secure for his plant every convenience that will enable him to perform his work in the most economical manner. If he finds some of his buildings are inconveniently located, he immediately takes steps to rebuild them on more convenient locations, and if his machinery by reason of age or otherwise will not render efficient service he immediately replaces it with more modern machinery. If the Government wishes to secure satisfactory and economical work, it must pursue the same course that an ordinarily prudent business man would follow. This course may necessitate the abandonment of some old buildings and the purchase of some new machinery, but it will be real economy to take this step rather than to continue to use buildings designed for the handling of "light-draft wooden vessels" and machinery, some of which was purchased before the Civil War and ought to have been condemned years ago. If these new improvements are placed upon the undeveloped tract of land now owned by the Government, and the only logical development of the yard is in that direction, then by the time the new dock is completed this apparent objection will have been entirely removed.

But Philadelphia ought not to raise this objection to the location of the proposed dock at Norfolk.

The appropriations for the Philadelphia yard from 1883, when a naval board recommended that it should be closed unless it could be improved for the purposes for which originally purchased, to 1914, inclusive, have amounted to $9,616,319.21. During the same period the appropriations for the Norfolk yard have amounted to $8,286,958.23, or $1,329,361 less than the appropriations for the Philadelphia yard. My authority for this statement is a letter from the Paymaster General of the Navy, which is submitted herewith:

NAVY DEPARTMENT, *January 17, 1914.*

Hon. E. E. HOLLAND, M. C.,
House of Representatives.

DEAR SIR: Complying with your request on the 13th instant, I take pleasure in inclosing herewith a statement showing the aggregate amount of the appropriations for the Boston, New York, Philadelphia, and Norfolk Navy Yards for the years 1883 to 1914, inclusive.

Very respectfully,

T. J. COWIE,
Paymaster General United States Navy.

Boston	$7,218,360.00
New York	12,533,561.47
Philadelphia	9,616,319.21
Norfolk	8,286,958.23

The two docks built at Norfolk within that period have cost $2,233,945, and the two docks built at Philadelphia have cost $2,020,250, or a difference of $213,695. (See Navy Yearbook, 1913, p. 854.)

Mr. LEE. I wish to state at this point that I showed to the naval expert, Capt. Winterhalter, that instead of a dry dock at Norfolk costing less than a dry dock at Philadelphia, that the dry dock at Philadelphia cost $557,000 less than the dry dock at Norfolk, and I hope the gentleman will correct his figures in that regard.

The CHAIRMAN. He makes his own statement, and your brief is in the record. The two statements will be there for the committee to consider.

Mr. LEE. Capt. Winterhalter showed that he did not know that the power plant at Philadelphia was included in the dry dock.

The CHAIRMAN. Those are questions of fact for the committee to consider.

Mr. WITHERSPOON. That does not render the other statement incompetent at all.

The CHAIRMAN. No.

Mr. HOLLAND. According to these figures, Philadelphia has expended on its buildings and improvements, exclusive of its dry docks, $1,543,056 more than Norfolk has expended during the same period, leaving out of consideration the facts that out of Norfolk's appropriations the St. Helena Training Station has been largely built and 272 acres of additional land purchased, at a cost of $400,000, and added to the original yard. But after all, the location of this dock has not yet been selected, and when selected it may be found that it will be so close to the present yard shops that it will not be necessary to erect many new buildings.

But why should Philadelphia urge this objection? Any experienced employee at any navy yard will tell you that the one shop that ought to be near a dry dock is the machine shop. If the dock should be located at Philadelphia so as to connect the river and the basin—and this is urged as the main argument for its location there—it will be 1,400 feet, or more than a quarter of a mile from the machine shop. The relation, therefore, between shops and dry dock would not be ideal even at Philadelphia. (See Stanford hearing, p. 186.)

The third objection is that the dry dock can not be as economically constructed at Norfolk as it can be at Philadelphia.

It seems to me that the question of cost is one of secondary importance. A new dry dock ought to be constructed at the place where it is actually needed, and not where it can be most cheaply constructed. It ought to be placed at a station where it can be reached by the biggest battleships, so that the present efficiency of the Navy may be promoted. But would it cost more to build this dock at Norfolk? There is no reason why the work can not be done there just as cheaply as elsewhere, and in this opinion Admiral Watt, Chief of the Bureau of Construction and Repair, concurs. On page 261 of the hearings he makes the following statement:

"There are no reasons known why a dry dock can not be constructed there as cheaply as at other stations."

It is not necessary, however, to rely upon mere estimates of cost. Dry docks have been built at the two stations within recent years, and the figures showing the actual cost of these docks have been easily secured. Dry Dock No. 2 at Philadelphia cost $1,471,550. Dry dock No. 3 at Norfolk originally cost $1,200,000. It was subsequently extended, and, with the extension, it cost, fully completed, $1,728,965, or $257,415 more than the Philadelphia dock. (See Navy Year Book, 1913, p. 845.)

A letter submitted herewith gives the cost and size of each dock:

NAVY DEPARTMENT, *January 17, 1914.*

Hon. E. E. HOLLAND, M. C.,
House of Representatives.

Subject: Information regarding dry docks at Philadelphia and Norfolk Navy Yards.

Reference: Your letter of January 13, 1914, to the Bureau of Yards and Docks.

MY DEAR MR. HOLLAND: Referring to your letter above mentioned, the following information is furnished in regard to the dry docks at Philadelphia and Norfolk:

	Philadelphia, No. 2.	Norfolk, No. 3, including extension.
Length	744 feet 6⅞ inches	722 feet 11 inches.
Depth, mean high water, to top of keel blocks.	29 feet 10½ inches	31 feet ½ inch.
Width, 6 feet above sill	91 feet 10 inches	101 feet.
Cost	$1,471,550.57	$1,728,965.93.

The Norfolk Dock was extended in 1910 by the addition of 182 feet at a cost of $528,965.93, which is included in the total cost given above.

The depth and width of the entrance of the Philadelphia Dock are less than the Norfolk Dock.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

You will note that the dock at Philadelphia is a little longer than the dock at Norfolk, but the Norfolk Dock is deeper, has a wider entrance and, according to the testimony of the experts, can now accommodate the biggest ships of the Navy, while the Philadelphia Dock, according to the same experts, is not big enough to do so. It must also be remembered in this connection that the removal of the end of the original dock, in order to extend it, added materially to its final cost and may entirely account for the difference in the cost of the two docks. Conditions at the two yards are the same now as then, and the only sensible conclusion is that the relative cost of dock construction at the two yards can not be materially different. And this statement is sustained by the following letter from Admiral Stanford, Chief of the Bureau of Yards and Docks:

BUREAU OF YARDS AND DOCKS,
September 13, 1913.

Hon. E. E. HOLLAND, M. C.,
House of Representatives.

MY DEAR MR. HOLLAND: The following information regarding certain conditions at the Norfolk Navy Yard is submitted in compliance with your request of December 11:

The present width of channel in front of the navy yard is now about 500 feet. An appropriation has been made for acquiring property on the other side of the river opposite the entrance to the largest dry dock, No. 3, and widening the river by dredging to give a channel 700 feet wide in this vicinity.

In the construction and extension of Dry Dock No. 3, the latest and largest one at Norfolk, no special difficulties were encountered in the foundation. So far as can be determined in advance of complete borings or test pits, similar conditions are anticipated on the site of the proposed Dry Dock No. 4.

As regards the relative cost of dry-dock construction at Norfolk and Philadelphia, the principal features of the work affected would be the cofferdam, work of excavation, cost of common labor, and cost of materials required in concrete. It is not probable that the cost of the cofferdam work would be radically different at the two stations. The cost of excavation would probably be slightly less at Norfolk than at Philadelphia, because of the softer character of material to be handled. It is not practicable to make a reliable estimate of the amount of this difference without first making numerous borings, which would not be warranted until after the work of construction had been authorized. The cost of labor would probably be less at Norfolk than at Philadelphia, and this advantage would probably be somewhat increased due to the less rigorous climate at Norfolk.

It is not improbable that the cost of concrete at Philadelphia would be from $150,000 to $200,000 less than at Norfolk, as result of the favorable deposits of sand and gravel which are found at Philadelphia, and which would have to be removed incident to the excavation of the dock.

Very respectfully.

H. R. STANFORD, *Chief of Bureau.*

Now, if the principal items of dock construction will be, as stated in this letter, the cofferdam work, work of excavation, common labor, and the materials required in concrete, and if the cost of cofferdam work will not be different at the two stations, the cost of excavation and of common labor less at Norfolk, and the cost of materials required in concrete only from $150,000 to $200,000 less at Philadelphia, how is it possible to figure that a 1,700-foot dry dock can be built at Philadelphia at the same price at which our 1,000-foot dock can be built at Norfolk? The fact is, the dry dock at Norfolk, if located as suggested by Admiral Stanford, Chief of the Bureau of Yards and Docks, will cost, according to his estimate, only $2,350,000, while the 1,700-foot dry dock at Philadelphia, as stated by Representative MOORE in his argument before the Committee on Naval Affairs last year, would, in the opinion of Admiral Hollyday, cost in excess of $4,000,000. (See CONGRESSIONAL RECORD, p. 2138.)

But some one has suggested that the relative cost of construction at the two yards might be materially different on account of greater difficulty in securing a solid foundation for the dock at Norfolk. Absolutely no difficulty has been encountered in the past with foundations of dry docks and other structures at this station, and there is not the slightest apprehension of any such difficulty in the future. Marl exists at depths varying from 50 to 150 feet below the surface throughout the area of this yard, and in the case of Dock No. 3 at this station this foundation of marl was of such excellent character as to eliminate entirely all need for foundation piles. The following letter from Admiral N. R. Usher, commandant, explains the subsoil conditions at this yard:

"Results of exploratory borings and experience with foundations of dry docks and other structures in the yard proper and at the Marine barracks, together with knowledge of the experience of others with foundations in this immediate vicinity, all lead to the conviction that subsoil conditions greatly favor the economical construction of a dry dock on the Schmoele tract. As a matter of fact, it is well known that marl exists at depths varying from 50 to 150 feet below the surface throughout the area of this tract. There is nothing whatever indicating the possibility of encountering variations in the subsoil conditions which would warrant the selection of one site over another within the limits of the Government property at this station."

And the statements made in this letter are sustained by the testimony of Admiral Stanford and of Admiral Watt in the hearings before the committee (p. 1783).

But there is one objection that has not been urged against the location of the dock at Norfolk, and that is the cost of widening and deepening the channel to the navy yard. The appropriations for the improvement of harbor conditions at Philadelphia, and in order to secure a depth of 30 feet in the Delaware River, have amounted to $19,217,864.51. (See Report of Chief of Engineers, U. S. Army, 1913, p. 1749.) The estimated cost of the present 35-foot project for that river is $10,920,000. The appropriations for improving the harbor at Norfolk-Portsmouth, and in order to secure a channel 600 feet wide and 30 feet deep and a channel 400 feet wide and 35 feet deep, have amounted to $2,625,458.84. The estimated cost of the present project for a channel 600 feet wide and 35 feet deep is $840,000. The estimated cost of maintenance of the Delaware River channel is $300,000 per year, and of the Elizabeth River channel $15,000. It will cost less than $1,840,000 to give us a channel 600 feet wide and 35 feet deep from deep water in Hampton Roads to above the navy yard. Substantially the same channel in the Delaware River will cost $10,920,000.

I have mentioned these facts not because I object to the improvement of the Delaware River, but in order to show you that a channel of greater depth than 35 feet, if desired by the Navy Department, can be secured for the Norfolk yard at very much less cost than for the Philadelphia yard. And when such depth is secured it can be more cheaply maintained in the Elizabeth River than in the Delaware River.

"There is," says the Edwards Board, "a tendency on the Schuylkill and Delaware River sides of the yard to deposit silt about the piers and in slack water, which gradually reduces the depths in some places at the rate of about 2 feet per year. (See Edwards Board Reports, p. 16.)"

No such conditions prevail at the Norfolk yard.

There is still another objection that can not be made against the location of the dock at Norfolk, and that is that a dock, if located at Norfolk, would have to be 1,700 feet long. Representative MOORE, of Philadelphia, made an argument before your committee last year in favor of the location of such a dock at Philadelphia, but in his argument he was frank enough to say "that nobody ever heard of a dry dock 1,700 feet long, and that there is certainly nothing of the kind anywhere in the known world." (See CONGRESSIONAL RECORD, 62d Cong., p. 2137.)

Capt. Winterhalter, speaking for the General Board, on the 20th of December last, made the following statement:

"The General Board has never asked for so large a dry dock anywhere. The Panama Canal locks are 1,000 feet long, 110 feet wide, and 40 feet deep, and docks of this size are our present limit. A dock of 1,700 feet is, therefore, unnecessarily long and unnecessarily expensive."

Ex-Secretary of the Navy Meyer, in a letter which I have, and which anyone of you may read, referring to the 1,700-foot dry dock, said:

"Personally, I have never recommended it."

Secretary of the Navy Daniels has repeatedly declared:

"We have no need for a dock of this size."

Admiral Stanford, in his hearing before the committee, made the following statement:

"The reason that a dry dock 1,700 feet long was recommended is not because a dry dock having a length of 1,700 feet is a military necessity, but because it is 1,700 feet between the basin and the Delaware River, and the dock was to have sufficient length to connect the two bodies of water." (See hearing, p. 160.)

It is very generally assumed that the size of future battleships will be limited to the size of the Panama Canal locks. What, then, is the necessity for a dock 1,700 feet long? Will you authorize a dock of such length when the General Board of the Navy declares that we do not need it now and may never need it?

"It is," said Admiral Stanford, "the facility that is most necessary to secure the successful use of the reserve basin." (See hearing, p. 157.) reserve basin." (See hearing, p. 157.)

Must we build this dock to secure the successful use of the basin? Can it be true that this basin, urged as one of the arguments in favor of the dock at Philadelphia, is so inaccessible that vessels going into it from the Schuylkill River, "on account of the tides, the narrow and tortuous channel" (see hearing, p. 158), and the "shifting or shoaling of the river bottom" (see hearing, p. 157), require very careful handling? In order to reach it safely are the services of a skillful pilot essential? But do we build docks for the purpose of improving such conditions? The Board for Shore Stations, on page 16 of its report, declares that it "considers that the present access to the reserve basin should be improved by dredging the main channel of the river." This is the usual way of remedying such conditions. Are you going to authorize a departure from the usual custom in this case? Will the danger of some obstruction in the Schuylkill River justify you in doing it? The Edwards Board, on page 16 of its recent report, declares that "there are also places in the main channel of the Delaware River below Philadelphia where accidental or intentional wrecks would temporarily block access to the sea as effectively as obstructions in the Schuylkill."

How are you going to provide against these obstructions? We need the docks at Norfolk, not for the purpose of improving such conditions as these, but in order that we may have facilities for docking the ships of the Navy.

In conclusion permit me to say that Norfolk's claims to the present dock, whether viewed from the standpoint of strategy, economy, accessibility, or naval necessity, can not be successfully disputed. I have said Norfolk's claims, but if you will permit me to change it I will say the Navy need; for no dock ought to be built at any station unless some naval necessity demands it. Our ablest, our most experienced, our most trusted naval experts, of every rank and from every section of the country, after more than four years' careful study of and calm deliberation upon the needs of the Navy, have declared in the strongest terms that the next large dock ought to be

built at Norfolk, and that no dock longer than the Panama Canal locks is necessary or needed. That decision, reached after such careful study and deliberation, by men who are absolutely free from all local influences and all local prejudices and whose only object is to do what may be best for the Navy and for their country, is not only entitled to great weight, but ought to be decisive.

"As at present constituted, and not speaking for myself," said Admiral Dewey, "the General Board of the Navy is an organization that is made up of men whose training, experience, proven ability, and judgment on naval affairs entitle them to the confidence of the American people." (The Navy, February issue.)

We constantly seek their opinion and absolutely rely on their judgment in other matters. If we refuse to be guided by them now and do what they declare is not necessary or needed, we may subject ourselves to the criticism of having neglected our duty or of having permitted considerations other than the good of the Navy to influence our action.

Now, Mr. Chairman, I regret that I have been forced to make this argument. Philadelphia and Norfolk ought to be fighting together and not against each other. Each city has a great navy yard. The business relations between the people of the two cities have been pleasant and intimate, and nothing ought to be done to disturb them.

I thank you for your indulgence, Mr. Chairman.

GIFT OF SENATE TO MRS. ELEANOR WILSON M'ADOO.

Mr. MARTINE of New Jersey. Mr. President, I have a letter here from Mrs. McAdoo which concerns the Senate. I ask that it may be read.

The VICE PRESIDENT. The Secretary will read the letter.

The Secretary read as follows:

CORNISH, N. H., *May 9, 1914.*

DEAR SENATOR MARTINE: The perfectly charming bracelet which you and your colleagues in the Senate sent me on my wedding day gave me infinite pleasure, and the generous sentiment that inspired the beautiful gift gave me, if possible, more pleasure than the gift itself.

It will always remind me of the wonderful period through which we are now passing and of my association, indirectly, with the great men in and out of the Senate who are making the history of to-day.

Will you not kindly express to the Members of the Senate my very deep appreciation and grateful thanks, and believe me,

Very sincerely, yours,

ELEANOR WILSON MCADOO.

PANAMA CANAL TOLLS.

Mr. BURTON. Mr. President, yesterday I gave notice that on Friday I should address the Senate on the Panama Canal tolls question.

At the time I was not aware that the Senator from Connecticut [Mr. MCLEAN] had given notice for that day. So I desire to change the date to Tuesday next following the remarks of the Senator from New Hampshire [Mr. GALLINGER].

Mr. ROOT. Mr. President, I wish to give notice that, with the permission of the Senate, on Thursday, the 21st day of May, immediately upon the conclusion of the routine morning business, I shall make some further remarks regarding the Panama Canal tolls.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following joint resolutions:

On May 8, 1914:

S. J. Res. 142. Joint resolution authorizing the Vocational Education Commission to employ such stenographic and clerical assistants as may be necessary, etc.

On May 13, 1914:

S. J. Res. 145. Joint resolution authorizing the President to detail Lieut. Frederick Mears to service in connection with proposed Alaskan railroad.

HOUSE BILL REFERRED.

H. R. 5890. An act for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co. was read twice by its title and referred to the Committee on Public Lands.

PANAMA CANAL TOLLS.

Mr. THOMAS. Mr. President, in the absence of the junior Senator from New York [Mr. O'GORMAN], the chairman of the Committee on Interoceanic Canals, I ask unanimous consent that House bill 14385, the unfinished business, be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. SMOOT. Mr. President, this is the most extraordinary bill ever seriously considered by the United States Congress, for it affects the sovereignty of our Nation. Our forefathers fought long years for their independence and the right to manage their own affairs. But we are asked in this measure to surrender control of our own territory and management of our own canal and relinquish a most important means of defense in case of attack by a foreign country. For hundreds of years a canal connecting the Atlantic and Pacific Oceans was discussed and various efforts made to bring it about. We made a treaty with Great Britain with that end in view, but the exact location of the canal or how it was to be constructed was not involved in that treaty. It was assumed that the canal would be built by private parties, as in the case of the Suez Canal, and the treaty provided for its neutrality and defense. Nothing was accomplished under that treaty.

The French undertook to construct a canal across the Isthmus, and expended some $300,000,000 for that purpose. They failed, and we undertook to build one ourselves. The old treaty with Great Britain was canceled and another one entered into. At the time that was done it was the expectation that the canal would be constructed on foreign territory. But we became the owners of the land on which the canal now runs, and have built it with our own money without aid of any kind from any other nation. We have expended about $400,000,000, or will have done so, in behalf of the canal by the time it is opened. After having incurred this enormous expense, and redeemed the territory through which the canal runs from its reputation for unhealthfulness, and made it one of the most salubrious parts of the tropical world in which to live, we are now asked to surrender all exclusive rights in the canal. We can not use it for any purpose whatever, except on terms which must be allowed to every other nation that may observe our rules.

During the War with Spain it became necessary to bring the battleship *Oregon* from the Pacific coast to the Atlantic coast. That could only be done by sending the vessel around South America, through the Straits of Magellan. It was an anxious moment for our people, and it greatly strengthened the resolve of this country to build a canal across the Isthmus, so as to avoid such risk and delay in the future. But now that we have the canal nearly complete, the President of the United States asks us to legislate in such a way as to recognize the validity of the claim of Great Britain that we can not pass our war vessels or any other vessels through the canal without the payment of tolls.

But that is not all. Under this British contention, if we should, for instance, become engaged in a war with Japan or any other nation we would have to pass one or more war vessels of that nation through the canal, and then could not pass one or more of our own vessels to follow such foreign vessels until a period of 24 hours had elapsed. That would enable a foreign fleet to come through and attack any of our coast cities before our vessels, if in the Pacific Ocean, could reach them. Moreover, we would not be able to shelter any of our war vessels or other vessels within the canal region or within 3 leagues of the entrance of the canal. Hence, all of this supposed gain in doubling the strength of our Navy in case of war would be lost to us. In fact, our $400,000,000 of expenditures for the canal, to say nothing of our interest in it in other ways, would be as much for the benefit of an enemy attacking this country as for our own good. That is all involved in the British contention as to the effect of the treaty in regard to the canal. But in her magnanimity Great Britain concedes us possible belligerent rights, and, strange to say, the President of the United States takes the British view of the case and asks Congress to legislate to carry it into effect.

That is only one feature of the injurious effect of this extraordinary measure which the President has asked Congress to pass. This country has always provided for free waterways to our own people. The ordinance of 1787 makes such provision. An act passed in 1805 creating the territorial government of Orleans also contains such a provision, as did the act admitting Louisiana as a State. The act passed in 1812 for the government of the Territory of Missouri also contained such a provision. The river and harbor act of 1884 provided that vessels of all kinds engaged in domestic commerce on our canals, rivers, and lakes should be free from the payment of tolls. Our Government has expended or appropriated over $700,000,000 for rivers and harbors, canals, and so forth, exclusive of the Panama Canal, for the use of our people without payment of tolls. It is supremely ridiculous to assume that we would have undertaken to spend $400,000,000 on the Panama Canal and at the same time have agreed that this country should not have a single advantage in that canal over any other nation. The proposition is so fantastic as to be beyond belief. And yet that is the contention of the President, and the majority of the Democrats of this Senate are going to support him in his reversed position on this question, notwithstanding it is less than two years since they voted for the law that is now under consideration for repeal.

If this had been his view from the beginning, and the people had known it when he was a candidate for the Presidency, his election, in my opinion, would have been utterly impossible. But he supported, during that canvass, the bill passed by Con-

gress exempting coastwise vessels from the payment of tolls in the Panama Canal. In his speech delivered to farmers in New Jersey in August, 1912, in which he deplored the nonexistence of an American merchant marine in the foreign trade and directed attention to the Panama Canal, which, he said, would allow agricultural products to be shipped from one coast to the other in coastwise vessels, he referred to the act passed by Congress exempting coastwise vessels from tolls in the Panama Canal as follows:

We are digging a tremendous ditch across the Isthmus of Panama. What interest have you in opening it to the ships of the world? We do not own the ships of the world. By a very ingenious process, which I would not keep you standing in the hot sun long enough to outline, the legislation of the United States has destroyed the merchant marine of the United States. One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports; to allow all the farmers on what I may, standing here, call this part of the continent to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast to South America. Now, at present there are no ships to do that, and one of the bills passed yesterday by the Senate, as it had passed the House, provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent. Everything that is done in the interest of free transportation is done directly for the farmer as well as for other men. So that you ought not to grudge the millions poured out for the deepening and opening of old and new waterways.

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines, and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat.

Now, what was this Democratic platform which the President said was not molasses to catch flies?

We favor the exemption from tolls of American ships engaged in the coastwise trade passing through the Panama Canal.

That was the plank in the platform to which Mr. Wilson referred in his speech, and which he approved and which he accepted, and on which he ran for President. No word of criticism was passed on that plank in the platform. The national Progressive Party in its platform adopted at Chicago in the same year declared:

The Panama Canal, built and paid for by the American people, must be used primarily for their benefit * * * and that American ships engaged in coastwise trade shall pay no tolls.

That was the platform on which Mr. Roosevelt ran for President in 1912. The Republican platform in that year made no declaration on the subject, but President Taft signed the bill which provided for free tolls for coastwise shipping, and he filed with the bill a "memorandum" expressing his approval in a strong and forceful manner. Thus all the candidates of the three leading parties in 1912 approved the act of Congress providing for the free passage of coastwise shipping through the canal, and over 13,000,000 voters approved the exemption from tolls of such shipping. Mr. Roosevelt, who was the candidate of the National Progressive Party, in an article published in 1913, said:

I believe that the position of the United States is proper as regards this coastwise traffic. I think we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are—and I hope and believe will always remain—on such good terms as Great Britain, to make any plea with reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

President Wilson came before Congress to ask the repeal of the law which he had given his approval and which his party had approved and on the approval of which policy he asked for the votes of the people. He submitted no facts for asking us to reverse ourselves in this extraordinary way. He said that, in his judgment, it was—

a mistaken economic policy from every point of view, and is moreover a plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

That is the only reason given for asking Congress to reverse itself. The President now repudiates his party platform and asks all of us to repudiate our platforms on the subject. And the only reason offered is that he thinks it ought to be done. There have been intimations that the provision in the Democratic platform in regard to free tolls was not understood by the people in 1912. It is hard to deal patiently with such an amazing declaration. Senator MARTINE of New Jersey, in a speech in this body on January 22, 1913, said:

This is not a question of the peace of the world nor of the honor of the American Nation, but it is a question of right and justice to the American people. I favor free tolls for American craft, both ocean and coastwise, and desire that the tolls for all other vessels of the world be only sufficient to maintain the physical condition of the canal, and that the cost and interest thereon shall be America's contribution to the world. I believe that such a policy on the part of this Government with reference to the Panama Canal would rehabilitate our merchant marine, and that in a few years we would command the carrying trade of this hemisphere.

Mr. MARTINE has declared that the provision of his party platform in regard to free tolls for coastwise shipping "was spoken from many, many platforms in New York, New Jersey, and Pennsylvania, and with a good deal of vehemence." That is a fair answer to the talk that the people were unaware in 1912 of the platform declarations on this subject, although President Wilson, who was then a candidate himself, spoke in approval of the party platform.

It is wonderful what changes of opinion have taken place in such a short time in both the mind of the President and of his Secretary of State. While the President is now intimating that this question was little understood in the canvass of 1912, yet in his speech of acceptance he said:

We are not building a canal and pouring out millions upon millions of money upon its construction merely to establish a water connection between the two coasts of the continent, important and desirable as that may be, particularly from the point of view of naval defense. It would be a little ridiculous if we should build it and then have no ships to send through it. We would not be putting a new canal at our own very doors merely for the use of our men of war. We must build and buy ships in competition with the world. We can do it if we will but give ourselves leave.

But, if the President's contention at the present time is correct, the canal will not help us in any way to build up our shipping. If every other nation has the same advantage in the canal that the United States has the situation will not be changed in the least from what it is at present. And if our coastwise shipping has to pay tolls such vessels will suffer also, because they can not compete with the subsidized ships of Canada, owned by railroad corporations. Other nations are now paying $46,907,220 yearly as subsidies. They also pay the canal tolls on the Suez Canal by reimbursing their shipping for such payments. The Canadian lines receive subsidies and their vessels can be constructed in foreign shipyards much cheaper than we can construct similar ships in this country, because of the higher wages paid here. There is no ground for any difference of opinion on the subject of wages in this country and in Europe or Asia. Records of foreign nations as well as our own inquiries have established the fact beyond question that wages are about two and one-third times higher here than in England, according to the report of the investigators sent to this country by the British Government, and the difference is vastly greater when compared with Japan and other countries. All those countries have lower wages, lower cost of construction, cheaper rates for money, and then their Governments subsidize their vessels in addition.

Mr. President, the truth is, if this bill becomes a law, the United States will be discriminated against. In this connection I call attention to an editorial in the Washington Post of May 7, 1914, as follows:

WHY DISCRIMINATE AGAINST THE UNITED STATES?

The United States, as owner of the Panama Canal, and the territory through which it extends, stands in a different position toward the canal than any other nation, and it can not place itself in the same position as nonowning nations.

Can the United States pay tolls to itself for the passage of its own battleships through the canal? Can it exclude its own warships from the canal for failure to pay tolls? Can it take steps to violate the neutrality of the canal by blowing up one of the locks, and at the same time punish itself for such an act? If any belligerent's vessels disembark war materials or troops in the canal, all the ships of such a nation can be excluded from the canal. Can the United States exclude itself from the canal, if it should become a belligerent and find it necessary to land troops in the canal?

Those who try to place the United States in the same category with other nations with respect to the Panama Canal are lost in a maze of absurdities.

As owner of the canal, the United States owns the use of the canal. Ownership without use is not full ownership. The right to use the canal in perpetuity has already been paid for by the United States. It should not pay again in the shape of tolls. If its coastwise shipping is required to pay tolls, the United States will be grossly discriminated against. It will be the only nation in the world using the canal which is required to pay twice over for its use.

The Hay-Pauncefote treaty provides for equal treatment of all nations using the canal and respecting the rules. This equality goes into the spirit of fairness, and is not a mere technicality, to be violated in spirit and obeyed in letter. The equality provided for is described as being "no discrimination against any such nation."

If the United States is one of "such nations," it has a right to receive equality of treatment. It is morally bound to treat itself exactly as it treats other nations. How can it do this if it buys and pays for the use of the canal for itself and then imposes another tax upon its shipping? No other nation has done this. No other nation has to pay more than tolls.

The obligation to enforce the neutrality of the canal rests upon the United States alone. No other nation is bound to respect the neutrality of the canal. If a German fleet should be on the Pacific side and it should attempt to pass through the canal for the purpose of destroying a British squadron in the Atlantic, or seizing Jamaica, Great Britain would not be bound to respect the sanctity of the canal as a world's highway. It would be free to blow up the canal, and only the strong arm of the United States would prevent such a move. The only penalty that could be imposed against Great Britain for an attempt to blow up the canal would be the denial of the right to use the canal.

The United States occupies a unique position among the nations with regard to the canal. It can not impose rules upon itself which it can impose upon other nations, for the simple reason that it is the enforcer of the rules.

The United States owns a line of ships running from New York to Colon. It may extend this line through the canal, which these ships have helped to construct. According to the advocates of free-tolls repeal, these ships would have to pay tolls, just as battleships would have to pay. In fact, Col. Goethals has no right to send a vessel of the Panama Railroad through the canal, loaded with a cargo, without paying tolls if the contention of the repeal advocates is correct. This absurd conclusion is not reached even by Great Britain herself in her demand for "equal treatment" of British shipping.

Great Britain admits that American coastwise shipping is entitled to pass through the canal without tolls so long as the shipping is confined to the coastwise trade and so long as British shipping is not taxed extra to make up for the amount that would be paid by our own shipping.

Both of the conditions imposed by Great Britain have been complied with. There is no attempt to exempt anything but bona fide coastwise shipping, and British ships are not required to pay extra tolls to make up the amount remitted to our shipping. There is therefore no violation of the spirit or the letter of the treaty. As Senator STONE has pointed out, Great Britain has made no protest since Congress passed the tolls exemption law. The protest comes solely from persons who confuse the relation which the United States bears to the canal, and who assume that foreign shipping will be taxed more than its just share.

The chairman of the Ways and Means Committee of the House, an eminent Democratic leader whose word will not be questioned by his party, in speaking on this subject, said:

The subsidies and discrimination that European Governments have given to their shipping interests have practically driven American ships from the sea. American ships carried only $280,206,464, or 8.7 per cent of the total sea-borne commerce of this country for 1911, the total of which was $3,210,642,970. We paid foreigners for freight about $135,000,000.

That is an understatement of the sum we pay for carrying our freight in foreign ships. There is very good authority for stating that it is over $200,000,000. Only as far back as 1870 this country carried 35 per cent of its total imports and exports, while now it has declined to something over 8 per cent. That is due to the great difference in the cost of operating American ships as compared with foreign under the requirements of our laws and the higher wages paid in this country. An official investigation showed that the wage and salary cost per gross ton on the American steamship *St. Louis* was 97 cents, as compared with 57 cents on the British steamship *Oceanic* and 54 cents on the German steamship *Kaiser Wilhelm der Grosse*. The United States paid in 1911 to American ships for carrying the mails $1,074,945, while it paid to foreign ships for the same purpose twice as much, or $2,129,654. Great Britain pays in bounties and subsidies $9,700,000 annually. France paid at the date of the latest returns available $13,425,000, and Japan $6,183,000. All the foreign Governments pay over $46,000,000 a year in subsidies. Great Britain pays the Peninsular & Oriental Steamship Co. direct subsidies of $1,485,000 annually, nearly enough to pay all its Suez Canal tolls. Germany meets those of the North German Lloyd Co. in a similar manner by the payment of $1,385,000. France paid three French lines two and one-half times as much as their tolls amounted to.

Russia pays the tolls on her ships going through the Suez Canal, and has already made an appropriation to pay the Panama Canal tolls, and Spain has done the same thing. Other nations will pay the Panama tolls in the same way as they have done at Suez. Germany gives favored railroad rates on exports, and combines them with steamship rates, so that it is difficult to tell the amount of the discrimination; but it gives her exports an immense advantage in the way of transportation rates. American railroads give lower rates on imports than they charge on domestic traffic. The particulars as to such rates have been printed in the CONGRESSIONAL RECORD. Any burden placed upon interstate commerce at the canal destroys to that extent its usefulness as a competitor of the transcontinental railroads and takes from the American people the benefits that would follow free and unfettered competition. If we can not exempt from tolls our vessels passing through the canal, its benefits will accrue to England and not to us.

In the early part of the last century we carried nearly all our exports and imports, but we were induced to make an agreement with Great Britain in 1815 in which we reciprocally allowed her the same rates in American ports as our own shipping paid. That agreement was to the effect that we should not impose upon English shipping any taxes that we did not impose upon our own. That was an agreement similar to that made in the Hay-Pauncefote treaty about the Panama Canal. Under the 1815 agreement we gave up differential duties, while England immediately subsidized her shipping. She also imposed higher rates on shipping in the foreign trade than on her coastwise trade, from which all foreign ships were excluded. And she maintains that difference until this day. An American vessel entering the port of Bristol, for instance, coming from an American port, pays 56 cents per ton port charges, while an English vessel pays only 20 cents. In the United States the foreign vessel pays 12 cents port charges, while American vessels pay nothing. Pilotage fees are also excepted to American vessels in the domestic trade. So it appears that our contention in regard to domestic shipping on the Panama Canal is precisely the same as the British contention in regard to "equality of treatment" under the commercial agreement of 1815; and, what is more to the point, the Supreme Court of the United States, with the present Chief Justice White delivering the opinion, sustained that contention.

American ships in 1913 carried only 8.9 per cent of imports and exports. We can not compete with foreign shipping in the foreign trade. Great Britain employs on her ships about 40,000 Lascars, or Hindus, who live on rice and use the least amount of clothing possible. One of her ships came into the port of Philadelphia in cool weather with Lascar sailors barefooted and wearing cotton clothing. Japan employs seamen of a similar character and who accept a like pittance of wages, and then Japan pays high subsidies.

Chinese are employed generally on vessels on the Pacific. They are employed on subsidized vessels of the Canadian Pacific Railroad. So that it may easily be seen how utterly impossible it will be for American ships to compete with foreign vessels any more after the Panama Canal is opened than is the case to-day unless our legislation is changed to help American ships.

The Democratic Party provided in the Panama Canal act for the free admission of foreign vessels to engage in the foreign trade of this country. But there has been no admission of such vessels under that law, because a foreign vessel can not afford to fly the American flag and employ American officers, as it would have to do under our laws, and give the crew American wages and food and other requirements necessary under our statutes. That shows the folly of attempting to build up shipping unless we meet the competition of foreign countries by the giving of subsidies or other aid.

In the tariff law a provision was inserted giving a lower rate of duty of 5 per cent on imports brought to this country in American vessels from such countries as have no treaties with us providing for equality in such matters. The object of that legislation was principally to lower the tariff. There are countries from which our vessels have brought imports that have no such treaties with the United States, but our free-trade administration assumed the authority to nullify that act. The appraisers in New York do not take that view. They could not do so without a violation of their oaths of office. But the administration does not want to help American shipping in that way and has appealed the matter to the United States Supreme Court. There can hardly be a shadow of doubt as to the decision of that body and the necessary refunding of the excess duties imposed without reason by the administration. That action, however, shows that American shipping can expect no favor from this free-trade administration, and that is one reason for asking for the nullification of the action of Congress in providing for free tolls in our own canal across the Isthmus.

The Commissioner of Navigation, in his report for 1912, states that British steamers get coal cheaper than those of the United States. About 20 per cent of the operating expenses, excluding wages, are involved in the handling of coal. The commissioner says:

Without discussing causes, the fact is indisputable that wages on American ships are higher than on foreign ships.

The reservation of our coastwise trade to American bottoms dates back to December 31, 1792. It has been asserted that this exclusion of foreign competition in the domestic trade has caused our shipping to decline, and a Democratic Member of this body has offered a bill to admit foreign shipping to participation in the coastwise trade. That illustrates the misinformation abroad on this subject. Our coastwise shipping has been increasing to an enormous extent, so that it is much greater than that of any other nation in the world, and the rates charged have declined more than one-half. Shipping in the foreign trade, which is subject to foreign competition, has declined to a still greater extent, while that in the coastwise trade, which is absolutely protected

from foreign competition, has enormously increased. If our coastwise trade is submitted to the same competition as our foreign trade, the same result will follow, and within a comparatively short time we would have to do our coastwise shipping on Japanese and other foreign vessels or on those employing Chinese and Hindu seamen.

American ships to South America must pay American wages, and they can not get crews in South American countries. But British, German, Italian, and other foreign vessels pay the wages of their home country. As a result we have little American shipping going to South America, and that trade is subject to foreign combinations, and we suffer from discrimination in other ways, greatly to the injury of our commerce. The trouble grows out of the much higher wages paid in this country. There are no restrictions as to watch officers on British ships, but all such officers on American ships must be American citizens. The tonnage of the United States, documented for the coasting trade, in 1912 comprised 6,782,082 gross tons, while the total tonnage of the German Empire is only 4,711,998 gross tons. But to admit foreign vessels to our coastwise trade would close many American shipyards and lead to even a greater decline than has taken place in our vessels in the foreign trade.

The increase in the coastwise trade that would follow through the exemption from tolls of coastwise vessels in the Panama trade would be of enormous advantage in helping our shipbuilding. We have not been able to specialize in this country as they do in Great Britain. In a great shipyard there they will be building several vessels of the same size at the same time, thus greatly reducing the cost. But we can not do that in this country, because there is no demand for vessels in the foreign trade. Hence there may be one large vessel and three or four others of different sizes, making specialization an impossibility. By the use of the Panama Canal for our vessels free of tolls it would give a great impetus to vessels going to the Pacific coast and to Hawaii and to the Philippine Islands, and would aid greatly in the work of specialization in the construction of such ships.

In the Suez Canal the method of measuring the tonnage of ships is such as to increase the tonnage 11 per cent above that which would be charged in the Panama Canal. That would make quite a difference in toll charges, being that much greater to the same vessels at Suez than at Panama.

The toll to be imposed at Panama is $1.20 per net ton. At Suez the British Government, which controls the canal, imposes a toll of $1.30 per net ton on ships with cargo, 82 cents on ships in ballast, and $1.03 for each passenger over 12½ years old. The tolls at Suez are so high that the British Government has been receiving a dividend of 31 per cent from its 176,602 shares of the Suez Canal capital stock, which Great Britain acquired at a cost of less than $20,000,000. It takes 17 hours to pass through the Suez Canal without locks, while only 12 hours will be required at Panama with locks. The Suez Canal cost, up to the end of 1910, $126,642,406, and it has outstanding capital obligations of $92,284,544. The Panama Canal will have cost over $400,000,000, over three times as much as the Suez Canal, and yet we impose toll rates very much less than those of Suez.

But that does not satisfy the British Government. It insists that we shall impose tolls on our coastwise vessels. That insistence is not justified in any sense whatever. We took into consideration the tonnage of our coastwise shipping in fixing the tolls, so that foreign vessels are not charged a cent more because coastwise shipping is exempted. There is no reason for the British protest from any point of view whatever, except to benefit the Canadian railroads and the Canadian ships which will do considerable of our trade. It is like the matter of imposing a duty on tea. Canada for long years has admitted tea free, but when it comes from the United States a duty is imposed. That prevents our railroads from carrying a pound of tea to Canada, while a considerable proportion of the tea consumed in this country has been brought on Canadian railroads, and particularly on the Canadian Pacific line, from the Pacific coast. Now, while we make the tolls lower on the Panama Canal than those charged on the Suez Canal, and while we do not impose one penny on British shipping because of the exemption of our coastwise trade, yet the British Government says, without any reason, that we must not give our coastwise shipping any such advantage.

President Wilson immediately abandoned the platform of his party and his own pledges and asks his party to do the same, because of this outrageous demand on the part of the British Government. And a majority of his party in the House of Representatives accepts the dictation and votes, without knowing why, to repudiate its own party platform and the pledges made in the canvass and the law passed by Congress, simply because he asks it to do so.

We could have put the toll rates at $1.62 a ton as easily as at $1.20, and in doing so there would have been very few American ships outside of the coastwise trade that would have had to pay any of the tolls. Thus we surrendered 42 cents a ton for the benefit of the world's commerce. On the British estimate of her tonnage to pass through the canal that 42 cents will amount to $1,680,000 a year as a gift to British shipping. That is our contribution to her subsidies. This is not a question of subsidy but one of right and justice. We are asked to surrender our rights and give up our own property at the demand of a foreign power. The bill as it passsed the House goes even further than the President asked, by striking out the provision of law authorizing the levying of a smaller toll on American vessels.

Great Britain says that we have no right to pay back tolls after they are collected, because that is no difference in principle from the plan of exempting our coastwise vessels from tolls. And yet other nations have been doing that thing in the Suez Canal and propose to do it at the Panama Canal, for which provision has been already made by Russia and Spain. But this country, which has expended $400,000,000 for the canal, and which owns it and the ground on which it is dug, can not do anything of that kind.

It is too ridiculous to be taken into consideration, but nothing appears to be too absurd in that way for this administration. A toll of $1.20 means $9,600 for a ship of 8,000 tons registered capacity, or $12,000 for a 10,000-ton vessel. That will give some idea of the difference that the imposition of this toll will make in the rates charged by coastwise shipping and the benefit that Canada will gain by compelling our vessels to pay tolls, and also the aid that will be given to the Pacific railroads. Last year we passed over 40,000,000 tons through the Sault St. Marie Canal free, although the Government dug that canal and maintains it and Canada shares in the free use of it.

That privilege given to Canada is under an agreement made in 1871 somewhat similar to that we have made with Great Britain in regard to the Panama Canal, though Great Britain gives us nothing in return for the privileges we grant her at Panama, while we were to have under the agreement concerning the Sault Ste. Marie and other canals the like use of the Welland Canal. But as soon as that agreement went into effect Canada imposed a discriminating duty at the Welland Canal, so that a vessel unloading at Oswego or any other American port on Lake Ontario would have to pay 18 cents a ton higher toll than if she unloaded at Montreal. For years our vessels paid that excessive discriminating toll, but finally our Government retaliated by imposing a discriminating tax on Canadian ships passing through the "Soo" Canal. Then the British Government had the discriminating duty at the Welland Canal removed, but it stated in doing so that it did not yield the right to impose such a duty. And yet under her eleventh-hour construction to an agreement without giving any return she holds that we can not favor our domestic shipping on the Panama Canal that has cost us $400,000,000.

The treaty of 1815 is even stronger on the question of "equal treatment" than the Hay-Pauncefote treaty. The 1815 treaty reads:

> No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

But under that provision of the treaty of 1815 providing for equal treatment we exempted American vessels from the payment of pilotage fees imposed by Federal and State laws. That was asserted to be a violation of the treaty, and the matter was finally taken to the Supreme Court, and in the decision, written by Chief Justice White, the court in passing upon the question said:

> Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade.

There seems to be no way of disputing that decision, although the President appears to think that his view is superior to that of the Supreme Court. The Hay-Pauncefote treaty of 1901 contains this provision:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Equal treatment or entire equality is the same in this case as in the treaty of 1815 under which Great Britain discriminated against American vessels in port charges in the United Kingdom, while the 1871 agreement, under which discriminating rates were imposed on the Welland Canal, provided for reciprocal treatment. Great Britain still adheres to her right to impose such discriminating rates in the Welland Canal, though it denies our right to discriminate in the Panama Canal. We never questioned Great Britain's right to discriminate in favor of her shipping in port charges, and we have discriminated in favor of our own shipping in such charges at our ports, but have treated all other nations on an equality, and that is what we propose to do in the Panama Canal. That view has been sustained by some of the best lawyers and judges in this country and abroad and by our Supreme Court.

Even Great Britain has conceded our right to aid coastwise shipping in this manner. In a communication from that Government on November 14, 1912, it is stated:

If the trade should be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by the exemption of bona fide coastwise traffic, then England could not complain.

Sir Edward Grey, the British foreign minister, also proposed arbitration, but President Wilson takes no heed of that, but proposes surrender without even arbitrating the matter. The right of this country to exempt its coastwise shipping from tolls in the canal is not only in accordance with the decisions of the United States Supreme Court but is in harmony with the opinions of some of the best lawyers in this and other countries, including former President Taft and his Secretary of State, Mr. KNOX. Mr. Olney, who was Attorney General and Secretary of State under the Cleveland administration; former President Roosevelt; Senator O'GORMAN, who was long a member of the New York State Supreme Court; Mr. Butte, a German international jurist of high repute; Edward S. Cox-Sinclair, an able English jurist; C. A. Hereshoff Bartlett, another English jurist; Count Reventlow, a noted German international authority; Justice Samuel Seabury, of the New York Supreme Court; and many other distinguished jurists, to say nothing of those in Congress, including such men as Speaker CLARK and Mr. UNDERWOOD in the House; Mr. FITZGERALD, chairman of the Appropriations Committee; and other eminent Democrats in both Houses of Congress. Senator LODGE, who reported the Hay-Pauncefote treaty for ratification, said in this body:

When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its vessels. I did not suppose that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels or that we were included in the phrase "all nations."

Mr. LODGE has reiterated that belief at this session.

Mr. Olney, a man so highly respected by President Wilson that he was offered the ambassadorship to Great Britain and later the head of the reserve board, and who has made a thorough study of this subject, read before the American Society of International Law in this city last April a paper on the subject containing this statement:

On the grounds, and in view of the considerations above stated, the United States may contend, and it is believed can rightly contend, that the Hay-Pauncefote treaty of 1901 does not, as justly interpreted, prevent the United States from exempting its coastwise shipping from the payment of tolls for the use of the Panama Canal.

Mr. Butte, the German jurist, said:

From the standpoint of abstract justice the pretension of Great Britain that she should be put on the same footing as respected the use and enjoyment of the Panama Canal as the United States seems presumptuous.

Mr. C. A. Hereshoff Bartlett, an eminent English jurist, says:

There is no evasion of the rule of equality where all foreign vessels are subject to the same duties and liabilities under similar circumstances. The treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic and coastwise commerce and in the use and enjoyment of its own property as it saw fit. No such restriction could have been in view in adopting "as the basis for neutralization" a rule that the canal should be free and open to vessels of commerce and of war of all nations on terms of entire equality. It would be absurd for the United States to solemnly declare that its own vessels of war might openly and freely navigate its own land-locked waterways and enjoy the privileges that belong to the Nation as a sovereign power in the use of its own territory. The use of the words "vessels of war" shows plainly that the word "vessel" as used refers only and exclusively to those of all nations other than those of the United States, and that the word "nations" was restricted to foreign nations; that is to say, nations foreign to the United States.

Count Reventlow, the noted German authority, says:

That the United States had a right to construe the treaty as Taft did can not be doubted.

Former Senators Towne, Butler, Turner, and others who were in this body when the treaty was considered agree with former Senator Bard, of California, who said:

It was generally conceded by Senators that * * * the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce forbidding the discrimination in charges for tolls in favor of our coastwise trade.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. As the Senator from Utah will recall, about that time I was very deeply interested in trying to get legislation that, in my judgment, would have tended to rehabilitate our American merchant marine. When the question on the Bard amendment came before the Senate it was so clear to my mind that under our navigation laws, which had been in existence for a hundred years, we would have an equal right to pass our ships through that American waterway as we had to pass them through the other American waterways of the country, that I voted against the Bard amendment.

I have never before stated this in public, and I am glad of an opportunity now to say that that was the controlling thought in my mind and the thought which led me to vote against that amendment.

Mr. SMOOT. In that connection, Mr. President, I desire also to say that ex-Senator Bard has told me personally that he was assured, not by one, but by nearly all of the Senators that the statement made by him was the basis of the vote that was cast in the Senate of the United States at that time.

Ex-Senator Towne, of Minnesota, a Democrat, says:

I remember distinctly my own feeling about the matter at the time, which was that we retained under the treaty full sovereignty over the canal and over the incidents of its ownership and control, including the right to fortify it and to regulate its use by vessels of commerce, subject only to the condition that all other nations should be treated alike, and that was the general understanding.

It is unnecessary to quote other authority on the subject. The bill originated in the House of Representatives and passed this body without any Democratic opposition. Certainly the eminent lawyers of this country and others who uphold our right to exempt coastwise vessels from tolls are as good authority as the President and Secretary of State, neither one of whom has been a practicing lawyer and who have changed their opinions completely. Then when we take, in connection with this matter, the platform of the Democratic convention, on which the Democratic Party appealed to the country in 1912, it is impossible to understand the President's situation at the present time.

Even Senator STONE, the chairman of the Foreign Relations Committee, admits that we have the right under the treaty to exempt coastwise vessels from tolls, but tries to make it appear that that question is not involved in the consideration and passage of this bill. I can not agree with the distinguished Senator, for that, in my opinion, is the vital question.

The Democratic platform emphatically declared in favor of exemption of coastwise vessels from the payment of tolls in the canal. Mr. Bryan is credited with the composition of the platform and was chairman of the committee, which was composed of eminent Democrats, not one of whom would be apt to subscribe to such a plank unless he believed in it. To emphasize the matter the platform declares:

Our pledges are made to be kept when in office as well as relied upon during the campaign.

Not a word of opposition was raised in the convention or during the canvass to these declarations by Democrats, and Mr. Wilson approved and asserted in a public address that—

Our platform is not molasses to catch flies; it means business; it means what it says. It is the utterance of earnest and honest men who intend to do business along those lines.

No doubt many votes were caught by that molasses plank, as the President must now describe it. The senior Senator from New Jersey and others have attested to the wide use of that plank. But now it is repudiated by pressure of foreign influence. Washington, the Father of our Country, wisely remarked:

Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.

Nothing better illustrates the truth of what the immortal Washington said than this case. The repeal of this law will be a great benefit to the United Kingdom. The London Times says:

The law will prove a little short of disastrous to British shipowners. With their best brains and energy devoted to their work, the United States will now proceed to turn out vessels on a wholesale scale, and, aided by their freedom from Panama Canal tolls, there is little to prevent them from entering with success all those trades in which British shipowners are now the principal carriers.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I do.

Mr. POINDEXTER. I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Washington makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Poindexter	Sterling
Bankhead	Hughes	Pomerene	Stone
Borah	Johnson	Ransdell	Sutherland
Brady	Jones	Robinson	Thomas
Brandegee	Kern	Saulsbury	Thompson
Bristow	La Follette	Shafroth	Thornton
Bryan	Lane	Sheppard	Tillman
Burleigh	Lippitt	Sherman	Townsend
Burton	McCumber	Shields	Vardaman
Chamberlain	Martine, N. J.	Shively	Walsh
Chilton	O'Gorman	Smith, Ariz.	Warren
Clapp	Overman	Smith, Ga.	West
Gallinger	Owen	Smith, Mich.	Williams
Gore	Page	Smith, S. C.	Works
Hitchcock	Perkins	Smoot	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present.

Mr. SMOOT. Mr. President, when I was interrupted I had just finished reading an item taken from the London Times, referring to the act of the Senate in exempting our coastwise ships from tolls.

That accounts for the "wiles of foreign influence" of which Washington spoke. The case is the more remarkable because of the flagrant violation of the Democratic platform. Secretary Bryan says that—

A man who secures office upon a platform, and then holds the office and betrays the people who elected him, is a criminal worse than the man who embezzled money intrusted to him.

And Mr. Bryan said, further:

Far be it from me to say that any man elected to any office should, as an official, do a thing that his conscience condemns. But does that mean that he should violate his platform? No; it seems that his conscience should commence to work before the election and not hibernate until after the election. * * * If a man, after his election, finds that his platform contains something which he can not honestly support, what ought he to do? He should resign and let the people select a man to do what they would have him do. I desire to announce it as a settled principle, not to be questioned in this country, that a platform is binding upon every honest man who runs upon that platform.

Just how Mr. Bryan explains his own dereliction would puzzle the traditional Philadelphia lawyer to tell. But there is no record of his having selected this particular plank to make a speech on apparently to catch votes, as in the case of others.

That is only one of a number of important violations of the Democratic platform. One of their campaign slogans was the cloture and other alleged czarlike rules of the other branch of Congress when the Republicans were in control, and yet never in the history of that branch of Congress was so important a measure as this one about canal tolls put through in such a complete czarlike manner. No amendment was allowed and only a short time permitted for debate. Chairman UNDERWOOD asserted that 50 Democratic Members of that body could not have been elected excepting for the opposition to cloture, which was so rigidly enforced in this case.

The Democrats have shamefully violated their civil-service plank by "riders" throwing open to political appointment many hundred places formerly under civil-service regulations, and all with the President's approval; they charged their opponents with wasteful extravagance, and yet have increased appropriations beyond anything known before in the history of the Government; they demanded that the recommendations for judicial appointments should be made public and have now repudiated that plank; they demanded that appointments in Alaska should be made from residents and persons familiar with the Territory, while one of the most important appointments was that of a man who has never been within thousands of miles of the Territory. Able and experienced diplomats, who in many cases won their appointments by long service, have been removed without compunction and a brewer and other such men never before heard of in a public way, but who made liberal Democratic campaign contributions, have been appointed in their places.

Perhaps, in view of this record, the request of the President, made without reason, for Congress to repudiate its own action and his party to violate its platform is not as remarkable as ordinary mortals would think it to be. The Democratic platform declared in favor of "a reduction in the number of useless offices, the salaries of which drained the substance of the people," and yet they have increased the number of employees on the Federal pay roll to a total of 470,015, a greater increase than has taken place before in the history of the Government.

Coastwise vessels passing through the Panama Canal are to be denied freedom from tolls because, we are told, it is a subsidy, but such vessels have the free use of other waterways costing the Government over $700,000,000. Is it subsidy in one case and not in another? Are free tolls a ship subsidy in 1914 and not in 1912? We have expended $260,000,000 in the last six years for our rivers and harbors. Is that not ship subsidy? We have appropriated $3,000,000 for the improvement of the Mississippi River. Is that not river subsidy? Would you not call it cattle subsidy for the Government to expend hundreds of thousands of dollars for the eradication of the cattle tick? Is it not cotton subsidy to expend millions of dollars for the destruction of the boll weevil? Is it not an automobile subsidy to appropriate $25,000,000 for good roads? Is it not a foreign subsidy when we are forced to pay duty to other nations on our exports, while we admit their exports into our country free of duty? I ask these questions in all seriousness, and could proceed along the same line with many others.

Coal is taken down the Ohio River, as a result of Government improvements, to New Orleans, a distance of 2,000 miles, without the payment of a cent to the Government for its canalization of the Ohio River and other such improvements. But if it is to be continued to the western coast, a charge of nearly 50 cents a ton is to be made for a 52-mile trip through an American canal. Congress has recently voted $35,000,000 for the construction of railroads in Alaska, and particularly to develop the coal of that section. But if the West is to have the advantage of competition in coal, it is denied by taxing the eastern product nearly 50 cents a ton for passing through a Government canal. There is not a particle of difference in the way of subsidy from the free use of waterways constructed and improved by the Government and the free use of the Panama Canal.

But the imposition of tolls on our domestic merchandise going through that canal will help the Pacific railroads, and will be particularly beneficial to British investments in Canada, and that is the milk of the coconut. Former President Taft is one of the best lawyers in the country, and was a judge of very high reputation. He says:

After a full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls, and the imposition of tolls on the vessels of all nations engaged in the foreign trade, is not a violation of the Hay-Pauncefote treaty.

Disraeli, when premier of England, declared that it was cheaper to buy control of the Suez Canal than to dig it, and that England would gain control in that way, which she did by an expenditure of only about $20,000,000. And although she insists that we shall have no rights over our own canal on our own territory, built at such an enormous cost, yet she does hold control over the Suez Canal for her own particular benefit. Within six years after Disraeli had secured control of the Suez Canal, Great Britain made use of it for her war purposes. The British commander, Lord Wolseley, took possession of the canal, closed it to all commerce, and made it the base of his line of operations against the Egyptians under Arabi Pasha. He was victorious, and the British Government was so pleased that they made him a peer and gave him $100,000 in cash.

In 1885 representatives of the powers interested in Egypt met in London to provide for the more complete neutralization of the canal; but the British Government, through Sir Julian Pauncefote, submitted a memorandum stating that Great Britain reserved the right to make use of the canal when necessary for her purposes in Egypt. Although an agreement was reached at a conference held in Paris, and afterwards signed in Constantinople, Great Britain distinctly reserved, by the use of the note presented in London by Sir Julian Pauncefote, the right to use the canal for the benefit of Egypt, the same as she had done under Lord Wolseley, and, of course, that means for the benefit of the United Kingdom. An announcement was made in 1898 in the House of Commons, by Mr. Curzon, under secretary of state for foreign affairs, while speaking for the Government, that, owing to the British reservation, "the terms of the convention have not been brought into practical operation." The United States has recognized the absolute control of the Suez Canal by Great Britain, and asked the Government of that country at the time of the Spanish-American War whether it would permit American warships to pass through the canal. Secretary Day, in his dispatch to Ambassador Hay, at that time remarked:

So far as the department is advised, Great Britain is the only Government that owns any stock, or, at any rate, a considerable amount of stock, in the canal, and, therefore, the only one in a position to assert any claim of control on that ground.

The United States owns the Panama Canal and owns the ground on which the canal was dug, but Great Britain pretends under the Hay-Pauncefote agreement that we can not do with our own canal what she has done with the Suez Canal, in which her only interest is that growing out of stock which she pur-

chased from the Khedive of Egypt. She closed that canal's commerce at one time, and reserves the right to do it again, but says that we can not do so with our own canal. President Wilson should take to heart the words of President Cleveland in a much more critical period than this concerning the Panama Canal. Mr. Cleveland said:

> There is no calamity a great nation can invite that equals the supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

The British note of protest contains this statement:

> Now that the United States has become the practical sovereign of the canal, His Majesty's Government does not question its title to exercise belligerent rights for its protection.

If we can exercise belligerent rights, then we can exempt our coastwise shipping from tolls. There is no provision, according to the British construction of the treaty, for our exercise of belligerent rights, and this is merely a concession on Great Britain's part to induce us to give up freedom for our domestic traffic through our own canal. Another concession which the British Government is now willing to make, though in violation of its contentions heretofore, is stated in these words by Sir Edward Grey:

> His Majesty's Government do not question the right of the United States to grant subsidies * * * to any particular branches of that shipping.

Heretofore the British have held that we could not do so, but now they offer a subterfuge by which we can accomplish the same end by putting money in one pocket and taking it out of the other, though without conceding our right to exempt coastwise shipping from tolls. Justice Seabury, a member of the New York State Supreme Court, says:

> The British protest concedes that some of the conditions of the treaty have been modified by subsequent events. If that be so, then the whole treaty is voidable. If the state of things which was the vital condition of the treaty no longer exists, the whole treaty may be abrogated. Either one or all of its terms are binding, or none of them is binding.

That is the practical truth of the matter, even though the British contentions had been originally conceded to have been correct. The United States under the treaty did not agree that "the canal shall be free and open to the vessels of commerce and war of all nations on terms of equality." It simply gives that privilege to those nations observing its rules. It is ridiculous to assume that the United States can only use the canal by observing its own rules. All nations in that case simply means "all other nations." The United States prescribes the rules and is owner of the canal.

The treatment, control, and regulation of the domestic commerce of the United States and all of its instrumentalities is a matter which does not concern foreign nations, and is not germane to the question of neutralization. Vattel, in his great work upon the Law of Nations, says:

> The reason of the law of the treaty—that is to say, the motive which leads to the making of it and the object in contemplation at the time—is the most certain clue to lead us to the discovery of its true meaning, and great attention should be paid to this circumstance whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty, or in applying it to a particular place. When once we certainly know the reason which alone has determined the will of the person speaking, we ought to interpret and apply his words in a manner suitable to that reason alone; otherwise, he will be made to speak and act contrary to his intention and in opposition to his own views. (Book 2, ch. 17, sec. 287.)

The language of the treaty can not be made to read to include the domestic commerce of the United States without "too restrained or refined reading." One of the rules that we have adopted concerning the canal provides that—

> The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility committed within it.

Hence, if the United States should go to war with any other nation, under the British construction we must, under our own rules, not blockade the canal or make use of it in any way for war purposes, excepting where we grant the same rights to the enemy. We are spending millions of dollars on defenses for the canal, but as, under the British construction, we can not use them against an enemy, it is all a waste of money.

In the treaty for the neutralization of the Suez Canal, to which the United States was not a party, it provides:

> The Suez Maritime Canal shall always be free and open in time of war, as in time of peace, to every vessel of commerce and of war, without distinction of flag. Consequently the high contracting parties agree not in any way to interfere with the free use of the canal in time of war or in time of peace.

But the British have openly violated this provision, as already stated, and made use of the canal for war purposes. Moreover, about the only use that could be made of the canal for war purposes would be in case that a European power wanted to attack India or an oriental power wanted to bring its warships through to attack British possessions in Europe. But the British Government has taken great care to prevent anything of that kind. Aden, at the southern entrance of the Red Sea, is fortified in a most thorough manner, and since the canal was dug Great Britain has strongly fortified the island of Perim, which, with the fortifications at Aden, gives her complete control of the entrance to the Red Sea, making it virtually a British lake. In addition she has fortifications at Cyprus, Malta, and Gibraltar, besides controlling Egypt. No enemy would think of attempting to send a fleet to India by way of the Suez Canal or of bringing a fleet from the Orient into the Mediterranean through the canal. The European powers protested against the actions of Britain in thus practically fortifying the canal, and her representative, Lord Pauncefote, the joint author of the Hay-Pauncefote treaty, said to them:

> Egypt having become British territory since the construction of the canal and the agreement with the powers, Great Britain could not be bound by the neutrality provisions adopted, so far as they affected Egypt, because it was a recognized principle of international law that treaties are only operative so long as the basic or fundamental conditions upon which they are based continue, and in the event of a fundamental change, such as the change of sovereignty of the soil, any nation which is a party to such treaty could honorably contend that it was inoperative as to her newly acquired territory.

That contention was upheld by the British Government, and the fortifications against which the protest was made were completed, apparently in direct violation of the language in the treaty provision. Now, consider the situation at Panama. The treaty was made before we became the owners of the territory through which the canal is dug. It is not a canal on foreign territory, but our own canal in our own territory, and, as the British Government said in regard to the Suez Canal, even if her construction of the treaty was correct, we could not be bound by the neutrality provisions adopted, because the territory on which the canal is dug has become American territory since the treaty was ratified, and such change of sovereignty warrants any nation which is party to such treaty to honorably contend that it is inoperative as to her newly acquired territory.

Mr. Hall, the well-known authority on international law, says:

> Neither party to an international compact can make its binding effect dependent at his will upon conditions other than those contemplated at the moment when the contract was entered into, and, on the other hand, a contract ceases to be binding as soon as anything which formed an implied condition of its obligatory force at the time of its conclusion is essentially altered.

Dr. Hannis Taylor, a very high American authority on international law, says:

> The conclusion is irresistible that by the radical changes wrought in conditions existing at the time the Hay-Pauncefote treaty was made, through subsequent purchase of the Canal Zone by the United States, the treaty as a whole became voidable; or, to use the words of Prof. Oppenheim, that the vital change wrought by subsequent purchase of the Canal Zone rendered an otherwise "unnotifiable treaty" notifiable.

Mr. Oppenheim, professor of international law in the University of Cambridge, England, says:

> It is almost universally recognized that vital changes of circumstances may be of such kind as to justify a party in notifying a non-notifiable treaty. The vast majority of publicists, as well as all the governments of the members of the family of nations, agree that all treaties are concluded under the tacit condition rebus sic stantibus.

The change in the ownership of the Canal Zone justifies the same construction as that put on the Suez Canal treaty by Lord Pauncefote. The canal is now a part of our coastwise system, and many of the best legal authorities of the world can be quoted in support of our claim as fixed in the law already passed, and as practically upheld by our own Supreme Court. As to the coastwise trade, it follows from the invariable practice of both England and the United States that it is not covered by the treaty any more than the trade through the "Soo" or any other canal or waterways exclusive of Panama, which have cost the United States about $700,000,000 of public money. In the year 1912 the tonnage through the "Soo" Canal was so great that if we had charged only 25 cents a ton that would have amounted to $18,000,000. But under the President's construction we virtually paid that much in subsidies to vessels using that canal. As stated before, England paid in a single year $1,663,920 to the Peninsular & Oriental Steamship Co. on its vessels that passed through the Suez Canal. Germany paid to the North German Lloyd Line $1,385,160 in a year, or more than the tolls through the canal. Japan paid $1,336,000 to one of its lines operating through the canal, which was two and a half times the tolls that line paid. But the British Government says that we can not pass our own domestic vessels through our own canal or even make direct repayment to them of the tolls they pay, a contention that is, in the light of the facts, extremely ridiculous. The British contention is that—

> All vessels passing through the canal, whatever their flag or their character, shall be taken into account in fixing the amount of tolls.

This means not only our coastwise shipping but war vessels and everything else. But our coastwise shipping was considered in fixing tolls.

Prof. Emory Johnson, the expert employed in furnishing information for imposing canal tolls at Panama, estimated that free tolls to our coastwise shipping will save the American people in 10 years $100,000,000 in reduced freight charges. It is well understood the consumer will pay the canal tolls. The president of the Hawaiian Steamship Co., which has been sending a very large tonnage over the Tehuantepec Railroad, a British concern, stated before a congressional committee that he and other shipowners were indifferent as to whether or not tolls were imposed on coastwise ships, because the consumer and not the steamship company would pay the tolls. In fact, the imposition of tolls would practically be a subsidy to the transcontinental railroad lines, of which the Canadian Pacific road, a British-owned concern, would profit perhaps more than any other line. The exemption from tolls would not be of benefit to coastwise shipping, excepting to enable them to lower rates and better compete with the railroads. Every dollar in toll imposed on vessels gives the railroads that much more in freight rates. Oranges and lemons from California to New York pay $27 a ton to railroads in refrigerator cars. But they can be handled through the canal in about the same time for $7 a ton. The consuming public will save $10,000,000 a year on oranges and lemons alone. President Wilson, the candidate, remarked on this subject:

Free toll for American ships through the canal and the prohibition of any ship from passing through which is owned by any railroad company—you can see the object of that, can't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

COASTWISE TRADE AND AN AMERICAN CANAL.

Coastwise trade is interstate commerce, whether through the Panama Canal belonging to the Nation or through the "Soo" or any other canal. The Constitution lodges the power to regulate such trade solely with Congress. A treaty can not take away that right. The Senate rejected the first Hay-Pauncefote treaty because the Senate desired in explicit terms the abrogation of the Clayton-Bulwer treaty, and that the United States should have the right to fortify and defend the canal, and that the other powers should not have the right to interfere in the management of the canal, all of which was granted in the second treaty, of which Secretary Hay said:

The whole theory of the treaty is that the canal is to be entirely an American canal. The enormous cost of construction is to be borne by the United States alone. When constructed it is exclusively the property of the United States and is to be managed and controlled and defended by it.

The United States, on one side, was to own, build, manage, make rules, and so forth, and on the other side, "all nations," whom Great Britain said she represented, were to observe the rules, and if they did they were to have use of the canal on equality. The United States did not provide the canal and then guarantee its use to itself on the observance of certain rules and conditions it was to impose. The United States agreed that there should be no discrimination against any "such nation," which simply means that all nations which observe the rules should be treated alike. If we can not grant our ships any reduction in tolls, we can not allow them any privileges of docking, refitting, supplying coal or stores, repairing, or any other benefit not allowed to the ships "of all nations." No sensible man will contend that we made any such agreement. Secretary Hay, speaking for our Government, objected "to inviting other powers to become contract parties to a treaty affecting the canal," and further asserted that we had "the clear right to close the canal against another belligerent and to protect and defend it by whatever means might be necessary." That is the statement of the man who made the treaty, or drew it up. But we could not do what he says we can do under the construction the British Government now puts on the treaty.

AN ABSURD CONSTRUCTION—BRITAIN AND FAVORED-NATION CLAUSE.

It does not seem reasonable for any person to contend that in the phrase "all nations observing these rules" we meant to include ourselves, and that we must be on terms of equality with ourselves, and as a belligerent respect the neutrality of our own property, and otherwise act in conformity with the rules we adopt, or else be excluded from the use of our own canal.

Great Britain pretended to have rights in Nicaragua, which she afterwards greatly extended in violation of the Clayton-Bulwer treaty. It was in recognition of such pretended rights, and the lack of capital, that led to the agreement, of which nothing ever came and which was abrogated under the Hay-Pauncefote treaty. Great Britain made no claim to Panama territory, and if the French company had succeeded in digging the canal, they would have been under no obligation to Great Britain, and we are not under any obligation to England in this matter either. Lord Lansdowne, in a communication to Lord Pauncefote, in October, 1901, said that the purpose the British Government had in view was "that of insuring that Great Britain should not be placed in a less advantageous position than any other power"; in other words, seeking the most-favored-nation clause and nothing more, to which we have made no objection.

We are told that Secretary Knox was in a fair way to reach an understanding satisfactory to both countries when Senator Root delivered his speech in this body upholding the British contention to even a more marked extent than the British Government itself had put forward. That speech led the British Government, apparently, to take another view of the situation.

For nine years the provisions of the treaty with Panama were unchallenged by Great Britain. But in November, 1912, Sir Edward Grey pointed out that as the vessels of Panama will contribute nothing to the upkeep of the canal the release of them from paying tolls would be an infringement upon Great Britain's rights. If we can not exempt our own vessels, we must not exempt those of any other nation. We have spent this enormous sum of money on the canal, apparently, not for our own benefit but more particularly for that of Great Britain, who has practically one-half the shipping of the world. Thomas Jefferson said that "the marketing of our products will be at the mercy of any nation which has possessed itself exclusively of the means of carrying them." Great Britain is largely in that position and wishes to retain her advantage and never again to see us in the favorable position we were in former times when we carried 95 per cent of our own trade instead of a little over 8 per cent as at present. Some of Britain's friends in this country have done a great deal to bring about this extraordinary situation at this time. The Carnegie Peace Foundation, for instance, admitted that it had spent over $30,000 in a propaganda campaign for the repeal of the tolls-exemption clause, and further stated that 750,000 copies of Senator Root's speech had been circulated in this campaign, and 1,000,000 circular letters had been sent to individuals and organizations. What else it may have done will probably never be known unless its books are examined, but Mr. Carnegie's millions have probably served to a large extent in helping the British side of this case.

The British Government is not slow in looking out for its own interests. Not long since it increased the subsidy to the Royal Mail Line $360,000 a year to "develop the service." Because of our lack of shipping facilities we have a small percentage of the trade in South America and are subject to prejudicial combines of foreign shipping, principally that of Great Britain. She does not want us to interfere with her advantages in that respect, and that is one reason for seeking to prevent us from building up our shipping by the exemption of any part of it from tolls in the canal, although that shipping would not compete with Great Britain directly and would not, because of its exemption from tolls, have the slightest effect upon the tolls imposed on British or any other vessels, for the reason that the coastwise shipping was taken into consideration in fixing the tolls. But any strengthening of our shipping will help American shipyards and threaten British supremacy in our foreign trade. It now takes our mail from 22 to 24 days to go to Valparaiso, and proportionately long to other ports in South America, whereas the time should be from 7 to 9 days quicker. The Royal Mail Line, to which Great Britain has recently increased its subsidy payment, controls much of this South American shipping.

Having passed a tariff law to help Great Britain to such an enormous extent, and her territories, including Canada, President Wilson now apparently wants to still further build up British shipping at our expense. His ambassador to the United Kingdom recently stated in a public address in London that "he could not say that the United States constructed the canal for Great Britain, but that it added greatly to the pleasure of building that great work to know that the British would profit most by its use." It looks as though it was the purpose in asking the repeal of this law exempting coastwise vessels from tolls to more thoroughly carry into effect that declaration of the ambassador in London. If British warships wanted to go to the Pacific coast they would have as much right to use the canal, under the British construction, as those of our own. And if we had another *Oregon* coming to the Atlantic coast, she would have to pay tolls if she used our canal for that purpose. Disraeli said:

England owns the Suez Canal, but did not build it. A channel should be established across the American Isthmus. England should not build it, but should own it.

If England gets what she is now contending for and which President Wilson wants to give her, she will own the canal as much as we do, because we can have no right in it not granted to her, notwithstanding our enormous expenditure in digging the canal and acquiring the property, which, it is estimated by competent authorities, will cost us altogether $700,000,000.

The Tehuantepec Railroad in Mexico, of which Lord Cowdray, otherwise known as Mr. Pearson, who is the brother-in-law of the British secretary of state, is the chief owner, has been carrying 750,000 tons per annum of the coastwise trade of the United States. Mr. Pearson does not want any of that freight to go by way of the Panama Canal, and if tolls are imposed on it he thinks he may retain some considerable proportion of it. He gets in the way of tolls one-third of the freight rate on this large tonnage. That is one of the great interests back of this British contention for imposing tolls on our coastwise vessels, which the President asked Congress to carry into effect in a most humiliating manner. Tolls on American goods going from New England, for instance, to the Pacific coast would be of great benefit to British shipping, as it would enable British manufacturers better to compete with our own on the Pacific coast. Railroads regulate their rates by water rates and charge little or no more, as a rule, to the Pacific coast than the steamships charge, or else the railroads would lose the freight. Hence, the benefit they would derive from the imposition of tolls, all of which would help them in imposing higher rates. The railroads did not want the canal built, and they are now anxious to weaken its competition, something that the President seems to be willing to aid in. If the canal had been built through foreign territory and under the joint control of the United States and Great Britain, as contemplated under the Clayton-Bulwer treaty, the situation would have been different. But under the existing conditions of ownership of both the canal and the territory on which it is located, there is no possible excuse for this House bill which we are now considering.

The attempts that have been made and which are being made in our own country and by our own citizens to convince the American people that the United States is violating its treaty obligations and is looked upon by other nations as lacking in national honor I repudiate. The Constitution confers upon Congress the power to regulate our domestic commerce, and in doing so we are not subject to the charge of violating our treaty obligations. Senators, have you stopped to think that the assaults upon our national honor come from within and not from without? Even Great Britain, through Sir Edward Grey, has intimated that we have the right to exempt our domestic commerce from tolls. No other nation that I am aware of has questioned the right, and does it not seem strange that our right to do so is only questioned by our own people? No Member of the Senate desires to preserve inviolate our treaty obligations more than I, and if I believed this Government had violated the Hay-Pauncefote treaty by the granting of free tolls to our coastwise trade through the Panama Canal I would be the first to acknowledge it and do everything in my power to correct the wrong. I want the United States to enjoy the respect of all nations of the earth, to live in peace with all, and to maintain a desire to accord equal justice to all. This rule of conduct should apply to the smallest, weakest, and poorest as well as to the largest, wealthiest, and most powerful nations. If we must purchase foreign friendship, the price exacted must not involve us in national dishonor. If the United States were attempting to take away from England or any other nation any rights it may have acquired in the canal, the charge of national dishonor would be justified. If any nation had contributed to the cost of constructing the canal or had given some valuable consideration for the right to use it and the United States undertook to deprive such a nation of its rights, no Senator would hesitate to immediately correct such a wrong. But we are not trying to take away the rights of any nation. We paid France the cash for her interest, we paid Panama for the land within the Canal Zone, we constructed the canal which will require an annual maintenance charge of $16,000,000. Great Britain did not contribute one cent to its construction, and now to be informed that our domestic commerce, our coastwise trade, must pay tolls because of Great Britain's demand, or pay tolls to promote international friendship, or to avoid international entanglements, is a form of tribute the American people will not approve of or assume. If it had not been distinctly understood by the American people that the canal was to be an American canal, built by American genius and American money, there would have been no Panama Canal to-day.

When this question was presented to President Taft, he declared we had not violated the treaty, and gave unanswerable reasons for his position. What think you will be our position in the eyes of foreign nations if the act of the former administration is repudiated by the present one, based upon the request that it ought to be done, whether right or wrong? If our position was reversed, is there any Senator who believes that England would yield an interest of vital importance to her to our dictation? No, Mr. President, a thousand times no. And I would commend her for her loyalty to her own. I now say, without fear of contradiction, if we submit to the request and yield our constitutional rights, it will be but the beginning of further demands made upon us by other nations. I can not agree to accept the demands of England, without consideration "whether right or wrong." This is a strange and modern doctrine, a weak and defenseless position for any American to take, and is not worthy of the sons of the patriot fathers of the Revolution, who won for us by blood and sacrifice the blessing of liberty. We should encourage our own merchant marine, built on American soil and by American workmen, manned by American sailors, and flying solely the American flag.

Believing the provisions of the bill to be unwise, unnecessary, and destructive of the best interests of the American people, my duty as a Senator of the United States offers me no alternative than to vote against the bill.

Mr. THOMAS. Mr. President, I have patiently listened to the hearings and the debates upon the pending bill with an open mind, influenced as little as possible by previous impressions. I have endeavored by that means to reach conclusions which should be unaffected either by my own preconceived opinions of the aspects of the controversy or by any feeling of party loyalty beyond that involved in the platform.

Being a member of the Committee on Interoceanic Canals, I have had exceptional opportunity to listen to the hearings and the discussions provoked by them. The debates in this body have covered every feature of the controversy, and consequently I do not perceive either utility or need for recapitulation on my part, except in so far as may be necessary to define the conclusions which I have reached, and whose expression has prompted me to take the floor at this time.

Mr. President, this controversy has, I think, been magnified out of all proportion to its real importance. It has been utilized for the purpose of arousing all of the animosities, reviving all of the traditions, and reciting all our past relations with the mother country, to the end that the real question may be largely obscured. We have heard appeals to patriotism and prophecies of disaster to the Nation in the event this bill shall be enacted into law. Motives have been questioned, the judgment of the President has been challenged, and assaults upon the national sovereignty, to say nothing of the portents of disaster greatly apprehended by gentlemen whose normal temperaments are healthy and whose judgments are generally deliberate.

The controversy, Mr. President, has its genesis in the Clayton-Bulwer treaty, which we recognized, instead of ignoring in 1900 and in 1901. That treaty has been fruitful of nothing save controversy and of dissension. When it was before the Senate of the United States for ratification it was vigorously opposed by Senator Douglas, who protested against the placing of limitations upon the United States in Central America, and who predicted many of the dissensions which were the offspring of that treaty. That it was constantly and almost consistently disregarded by Great Britain is a matter of history; and that a treaty disregarded by one nation is not binding upon another, if it desires to avoid it, is perhaps a truism which will be accepted without any question. But, Mr. President, the United States saw fit in 1900 and 1901 to recognize its obligations under this treaty at the time when the demand for the building of the Panama Canal became insistent—and it became overwhelmingly so—as a result of the trip of the *Oregon* through the Straits of Magellan during the Spanish-American War.

Having recognized the treaty as a subsisting one, we were constrained to negotiate with Great Britain for its abrogation or supercession if we would have a free hand in constructing the canal; and, of course, that negotiation conceded that Great Britain had treaty rights binding upon the Government of the United States in Central America consequent upon this convention; so that as a result further negotiation with Great Britain was essential if the United States should acquire the right of sole construction and control of the canal, as it desired to do. That, of course, meant a new treaty; and a new treaty, Mr. President, was possible only should the minds of the two signatory powers, through their representatives, harmonize upon proposed changes. As a result the Hay-Pauncefote treaty was finally consummated, superseding the old contract, save as to its principle of neutralization, establishing a new one in its stead, which necessarily constitutes a binding obligation between the two sovereign powers.

Having done this, we enacted the statute of 1912, and the sole question here involved is whether the United States has the

right, under its convention, to exempt its coastwise shipping from the operation of a law otherwise general in its application, or, having the right, whether it is just or expedient to exercise it. That is the sum total of the controversy.

That a Government in acknowledging a treaty obligation surrenders its sovereignty, that a Government in considering whether it should or should not legislate with reference to a treaty thereby proposes to commit itself to some policy which virtually subordinates it to the other contracting party, and thereby concludes itself, does not and can not be the logical consequence of its action. Treaty rights may be surrendered or burdensome obligations assumed, but never when the problem presents itself as one of construction whose final solution is preceded by intelligent and exhaustive consideration.

Mr. President, the conclusions which I have reached—and I shall occupy the attention of the Senate for a comparatively short time—are:

That the representatives of the signatory powers, as appears from their correspondence and the statements of the two survivors, both Americans, assumed that the terms of the treaty as finally recommended by them to the two signatory powers applied alike to the Government of the United States, to Great Britain, and to other nations observing its rules; that the language of the treaty is susceptible of the construction contended for by the opponents of the bill, but not of all the arguments used to support it. That the exemption clause of the canal act should be taken in connection with its exclusion clause. They were evidently inspired by the belief that both were essential to the operation of the canal as a permanent competitive water route, and this must be their justification. The exclusion clause is, of course, not here involved; but that the two formed part of a common policy incomplete unless both were present in this legislation is, to my mind, beyond question.

I also conclude, Mr. President, that the economic feature of this controversy is of no great practical importance. It is one which has been magnified out of all proportion to its real character.

And, lastly, that the true policy of the Government should be to make the canal free to the commerce of all the world, and own and operate its own vessels in the coast-to-coast traffic.

Mr. President, so far as the negotiations between the representatives of the two Governments are concerned, I shall have but little to say. This feature of the controversy has been elaborated with so much ability and has been so completely exhausted by the Senator from North Dakota [Mr. MCCUMBER], by the Senator from Massachusetts [Mr. LODGE], by the Senator from Oklahoma [Mr. OWEN], and by the Senator from Georgia [Mr. SMITH] that it would be worse than a waste of time for me to give it further consideration. Suffice it to say that the correspondence which has been read, the statements which have been made before the committee, and the construction placed upon them by these Senators are conclusive upon the proposition that so far as the understanding between the representatives of the signatory powers are concerned at the time of the completion of the treaty it was supposed to be universal in its application.

The United States adopted the convention of Constantinople with reference to the details of the operation of the canal, and, of course, to adopt is "to choose or to take to oneself." Hence, it would seem to me as a reasonable man that it is but natural that a nation whose representatives understood and were given to understand the phraseology of the treaty to mean a certain thing, to respectfully insist, without being charged with a design to overreach, upon the observance of that understanding through diplomatic channels, as has been done in this case, and that the American people should be free to accept or to reject the proposition without incurring either the imputation of treason or a base surrender of American sovereignty or of American honor on the one hand or of a willful disregard of their solemn obligation on the other.

Mr. President, I have said that the language of the treaty seems to be susceptible of the construction which is placed upon it by the opponents of repeal; but some of their arguments, it seems to me, prove altogether too much. If they are to be accepted at their face value they may become extremely inconvenient in their application to other clauses of this treaty and to other treaties, both those in existence and those which are in contemplation. It would seem that when the United States adopted the principles of the Constantinople convention it took them in their entirety and without qualification, because they contain no words of exception or limitation. It is therefore bound by them, and all of them, precisely as the company controlling and owning the Suez Canal is bound; that it can do what that company may do under these rules and regulations, but should abstain from doing what that company may not do under them.

We can not go to these rules and at the same time stay away from them. Therefore we should test the first clause of the third article which is directly involved in this controversy by determining how far the Suez Canal Co. may proceed thereunder by way of discriminatory action.

Mr. President, during an experience at the bar, extending over 40 years, I have always been able the better to care for the interests of my own clients by considering their contentions from the standpoint of the opposition, by occupying as far as possible the place of the attorney for the other side, and thereby thoroughly test their efficiency. I think there is no better method of ascertaining the merits of any proposition than to assume, mentally at least, an unfriendly attitude to the given question, to conjure up all possible arguments and situations of a hostile or unfriendly nature, and by applying them sift out the fit from the unfit by a process of elimination thoughtfully and thoroughly applied.

Let us apply this method to the present instance, Mr. President, and assume that the governors of the Suez Canal should by ordinance, or that Great Britain as the result of its majority ownership of the shares of stock in that canal should by order, exempt Great Britain's coast-to-coast vessels from the payment of tolls through that canal, and that by this process all of the shipping which plies between English ports and East Indian ports and the other dependencies of Great Britain should not be subject to the general law under which tolls are and have been collected upon tonnage passing through that waterway; would such action contravene the principle of the Constantinople convention? If it would, then it seems, Mr. President, to follow that the act of 1912 also contravenes it, for if article 3 of the Hay-Pauncefote treaty, if not word for word, is certainly in substance, that of the Constantinople convention of 1888 with reference to the Suez Canal.

Now suppose, still further, Mr. President, that Great Britain, and not a corporation, were the owner of the Suez Canal, and that Great Britain should by statute make such exemption as the United States has made with reference to the Panama Canal, would such action contravene the provisions of the Constantinople agreement?

These questions, Mr. President, I think present a fair test for the purpose of determining, so far as the treaty is concerned, the character of the legislation in controversy. I leave them to the consideration of Senators. We may also consider two or three other propositions of similar import which, though entirely imaginary, nevertheless may be of importance in the determination of this question. Suppose that Great Britain instead of the United States had constructed the Panama Canal under precisely similar treaty stipulations; in other words, suppose that the position of the signatory powers were reversed, and that Great Britain had by a statute exempted Canadian coast-to-coast traffic from the operation of the toll section of its statute, would she thereby contravene the provisions of the Constantinople convention? And just here it must be recalled that we reserved the right by this treaty to construct the canal through private agencies; and the treaty should be considered from that viewpoint. It is important to note that when the signatory powers agreed to this convention, when the two Governments ratified the treaty, the United States was just as free to provide for the building of the canal through private enterprise as it was to build it on its own account, and we must take into consideration the fact that we might have done so when our own power and authority under the treaty to make exemptions and discriminations are challenged, for the manner of construction can not alter the effect of the obligations which we have assumed or in anywise change the meaning of the contract.

Mr. President, if the Panama Canal had been so constructed, that is to say, if it had been constructed by a private corporation aided by the United States instead of by the United States directly, and this exemption clause of the statute had been enacted or the company had sought by some regulation of its own to make the same exemption, the question arises, Would that corporation, or the United States acting through it, have thereby contravened its obligations under the Constantinople agreement?

It seems to me, giving full play to all the principles of construction which have here been so fully elaborated, that these questions are susceptible of but one answer, and that is, that the spirit and the intent of the convention would be ignored by such a regulation; and I fancy that the protests of the people of the United States, had the canal been constructed by the other signatory power, followed by the exemption of Canadian coast-to-coast traffic from its tolls, would have been far louder, far greater in volume, and far more passionate than those which

are so vigorously made against the enactment of the present bill. We would, Mr. President, have planted ourselves upon the terms of the obligation assumed and would have insisted that the spirit of equality and of international morality, the declaration of neutrality, and the common purpose sought to be subserved by and between the two Governments in making the contract for so great a purpose had been ignored or disregarded, and particularly if, under those circumstances, the understanding between the representatives of the signatory powers at the time the treaty was concluded and ratified had been the same as is declared by these representatives, through their correspondence and by their survivors, to have been the case here.

Mr. President, since this is a question of power, let me put another supposition, because if the Government of the United States has the power, as it is claimed, under the treaty to make the exemption which is here in controversy, then it has the power to make the same exemption as to all of the shipping of the United States, whether it be coastwise or otherwise; that is to say, if it simply be a question of power, if the term "all nations" means all other nations, why can not the United States exempt as well its shipping engaged in the foreign trade as its shipping engaged in the coast-to-coast trade from the payment of canal tolls? Of course I am not unmindful of the proposition that the one is an exclusive monopoly, made so by our navigation laws, while the other affects traffic coming in competition with the traffic of other nations; but that is immaterial to the proposition so long as it is one of power and of right upon the part of the United States, which not being bound by the contract is free to exercise it if it sees fit so to do. Therefore it is a pertinent question whether if the United States should see fit to exempt all of its vessels from tolls the act would be a contravention of the treaty of Constantinople, which is a part of this one. It would seem that if the United States can exempt part of its shipping it can exempt all of its shipping, unless we find something besides the mere question of power and authority under the treaty which imposes a limitation.

Mr. President, the several paragraphs of the article, which is taken bodily from the treaty of Constantinople, must be taken as an entirety; that is to say, they must be considered together when questions of construction or the existence or the absence of authority for a given act based thereon may be under consideration. One of these provisions declares that the canal shall never be blockaded—a most obvious condition; one which, of course, is essential if the purposes of the treaty are to be constantly subserved, because otherwise the canal would be neither useful nor reliable as an artery either of coastwise or of international traffic, since interruptions of its operation would be easy. But is the United States exempted from that provision? Has the United States, as one of the signatory powers, as the owner and controller of the canal, the right under or independently of this treaty, itself to do that which it is declared shall not be done at all?

Do we not, Mr. President, by virtue of our insistence that the treaty clothes the United States with power, or that there is nothing in it which deprives the United States of power, to make this exemption, going so far as to assert the right of blockade should we see fit to exercise it? That we are prescribing regulations and making covenants only for other nations observing them? And yet I think no one will contend for a moment that the United States any more than any other nation observing the rules of the convention can lawfully blockade the canal. We have very properly denied ourselves that power, although we are insisting upon a construction of the treaty which, sound or unsound, will recognize in our Government the reserved right to lay an embargo on its own canal.

Of course, the Government of the United States would never pretend to do this; but we must discover where a contention will lead us if we are to determine its soundness, especially when conventions, carefully and solemnly negotiated and ratified between nations and designed to be not only a rule of property but a rule of conduct for all time and concerning a great world-wide international subject, are the subjects of disputation.

Assertions of sovereignty, of the vast amount of our expenditures, of our right to prescribe rules and regulations for others, of our right to control and use our own property, and all similar assertions seem to me to be entirely beside the main proposition. They prove nothing and demolish nothing. The only proposition in this case, namely, what is the power of the Government of the United States and its authority under the contract which it deliberately negotiated and which it is precluded from saying it was not obliged to negotiate as a condition of building the canal, since it assumed to recognize the force and effect of the Clayton-Bulwer treaty and the necessity of getting it out of the way before it could proceed? Merely this, and nothing more.

We are obscuring the main issue by a great many patriotic speeches, by crimination and recrimination, by imputing sinister motives and challenging sinister influences, by a great many dismal forebodings as to the consequences of our action, by protesting against the humiliation of what is called a surrender, by passionate declarations, and by invocations to the flag; but the admitted facts and circumstances which surround the negotiation and ratification of the contract surely excuse, even if they do not justify, the British Government in its policy of protest. Were conditions reversed we would do likewise, though far more forcibly.

Mr. President, the Senator from Utah [Mr. SMOOT] just now, and other Senators also, have laid great emphasis upon the assertion that if we now repeal the act whereby this exemption was created we do so at the demand of a foreign power, and thereby surrender for all time our right to control the canal in our own interest, even in time of war. The Senator from Utah grew eloquent in picturing the disastrous consequences that would result from such a surrender of this great waterway. His imagination converts it into an engine of danger instead of a weapon of defense in the event of hostilities between this and some of the other great powers of the world. Why, Mr. President, I do not think there can be any possible contradiction of the general proposition that in time of war treaties and conventions affecting or between belligerents are suspended. Were the consequences of affirmative action as dire as the Senator declares, they would, upon a declaration of war by or against us, be as though the treaty had never existed.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Colorado yield to the Senator from Missouri?

Mr. THOMAS. I do.

Mr. REED. The Senator has struck a very interesting question, so far as I am concerned. I agree with the Senator that whereas we have a contract with England, if we should engage in a war with England all treaties between that country and this would be immediately suspended; so that in case of war with England we would not be embarrassed by any condition of this treaty which provides that the vessels of all nations, of peace or war, shall go through on equal terms. Does the Senator believe, however, that war between Japan and the United States would have the effect of abrogating a treaty between England and the United States, unless England gave its consent? If so, I should like to know upon what ground.

Mr. THOMAS. Mr. President, the law of self-preservation is as powerful with nations as it is with individuals. I assume that Japan is one of the powers that will observe the rules of the treaty to which I am referring. Whether it does or not, however, I unhesitatingly say that in the event of war with Japan our right and power to utilize this canal would so influence the treaty, if it contained any provisions affecting that right, as to set them aside and suspend them for the time being.

Mr. REED. That is to say, the Senator believes that in such an exigency as that we would simply brush aside the treaty. He does not claim that there is any clause in the treaty or any principle of law that would make it void?

Mr. THOMAS. Why, certainly not; but it becomes in suspenso during the critical period of hostilities between this Nation and any other nation in so far as we should have need of the canal either in offense or defense.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. THOMAS. I do.

Mr. WILLIAMS. With the Senator's consent, I should like to add that the same principle that suspends during the war a treaty entered into by two contracting parties in case of war between those parties applies likewise to a third party obtaining any benefit under the treaty with whom the contracting party is at war.

Mr. THOMAS. Of course; but the Senator from Missouri is assuming that no such treaty existed.

Mr. WILLIAMS. The only right that Japan has here is the right to equal treatment under the treaty that the United States has made with Great Britain. Certainly a third party, with only incidental rights, could stand upon no higher footing than the other contracting party, to wit, Great Britain itself.

Mr. THOMAS. I think there can be no doubt about that.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado further yield to the Senator from Missouri?

Mr. THOMAS. I will yield once more. I promised——

Mr. REED. If it at all interferes with the Senator's address I shall not ask to interrupt.

Mr. THOMAS. I will say to the Senator from Missouri that it does not interfere with me; but I have assured the Senator from Oklahoma [Mr. GORE], who gave way to me, that I would finish as soon as possible.

Mr. REED. Very well.

Mr. THOMAS. It is only for that reason that I answered as I did to the interruption.

Let us assume, however, that the contrary is the case, and that all of the dire results which are predicted of favorable action upon this bill will follow, and that the Government of the United States could not suspend this treaty in case of a war with Japan or even with Great Britain, in consequence of which the canal would be kept open for the passage of their vessels and munitions of war from one ocean to the other. I know of nothing better that could occur, I know of no more fortunate circumstance for the United States under those conditions. The canal, then, must, in war as in peace, be free to all nations, and the fleets of the hostile power may use it under the treaty and pass through it without hindrance or opposition.

Why, Mr. President, there is no commander, however inexperienced, who would be guilty of such stupendous folly as to attempt to negotiate such a waterway with his fleet in time of stress and conflict, under any circumstances, not even if the fate of the conflict hung in the balance, for the enemy waiting outside could destroy his vessels in detail as they came through into the open sea and passed beyond the 3-mile limit, long before they could be massed in battle formation. It is mere bombast to assert that the treaty, in the event it should remain in full force during time of war, would be a source of serious or any danger to the people of the United States or to its armies or to its navies.

I think there is no higher authority upon this subject than Admiral Evans, one of the greatest naval commanders this or any other nation ever had, a man thoroughly competent to speak upon a question of this sort, and whose words are entitled to the utmost consideration. He declares:

> The value of the canal in time of war is a question on which the officers both of the Army and Navy differ. One opinion holds that unless the canal is strongly fortified at both ends it will be of no practical value in time of war. The other opinion, and I find myself with those who hold it, is that no amount of fortifying will render the canal of real value for the passage of a fleet of war vessels from one ocean to the other after war has been declared or when war is known to be inevitable.
>
> At the Pacific end of the canal fortifications might be so placed on available sites as to assist a fleet in its passage from the Atlantic by holding the enemy's fleet in check until our own had completed its battle formation on the Pacific side. If we may judge by what forts have been able to do in the past when opposed by ships, we have good grounds for thinking that our fleet would run serious danger of being destroyed in detail despite the assistance of such forts.

That means, of course, that for us to attempt to pass the vessels of our fleet, in time of war, one by one through the canal, unless it were done before the hostile fleet were assembled, would be as foolish as it would be for any foreign nation to do so.

> Much would, of course, depend on the ability and courage of our enemy, and on this point we have good knowledge of the officers and men of the only nation we have any danger of ever meeting in battle in this vicinity.
>
> It is granted, however, that forts at the Pacific end of the canal might be of value.
>
> At the Atlantic end of the canal it is not apparent how forts, no matter how many, could assist a fleet passing through the waterway to secure a battle formation before being attacked. There are no outlying islands as on the Pacific side and no high land on which forts could be advantageously constructed.
>
> Some authorities think that mortar batteries would be effective for the purpose, and still others suggest airships. Naval opinion generally places about as much value on the one as on the other; we seriously doubt the ability of mortars to prevent an active naval commander inflicting fatal damage on an enemy's fleet emerging, one ship at a time, from the Atlantic entrance to the canal before it could gain a battle formation. The same opinion is held by many with reference to any guns that may be mounted on the islands about the Pacific entrance to the canal. As to airships, we may safely leave them out of consideration.

A little attention to details and the consideration of actual happenings may perhaps remove many of the apprehensions which spring from a perfervid or overheated imagination and which are designed to magnify the possible consequences of our action here in determining whether the treaty does or does not involve a given right or justify the exercise of a given authority. So, as far as my understanding of this question goes, I am not convinced that there ever will be any serious danger of any nation insisting upon using the Panama Canal for war purposes unless, indeed, as I have stated, the passage of its vessels can be swift and sure and in advance of the necessary preparations for encountering them before they can form in battle array after the passage has been effected.

To illustrate, suppose the American fleet which went around the world in 1907 had encountered a hostile fleet at either end of the Suez Canal, and our vessels had been obliged to take, or had taken, the risk of passing through the canal one by one. Do we not know that a much less powerful fleet, both in numbers and in guns, would have been superior to each one in detail, and could have destroyed our vessels in succession long before it would have been possible for them to assume the combined position at the other end which is necessary for the best results, to say nothing of their own salvation?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. THOMAS. I do.

Mr. REED. I understand that the Senator does not wish to be interrupted, on account of the question of time, but I have great respect for his opinion, as I know the Senate and the country have, and it seems to me he is announcing a startling proposition.

I wish to put this question to him:

Let us assume what we will all undertake to say is a very violent assumption, that we should become engaged in a war with Japan, and that Japan should be massing her vessels to attack our Pacific coast, and we had 20 dreadnaughts in the harbors of the eastern coast. Does the Senator or does any military expert undertake to say that the canal might not be the means by which we could move those vessels to the western coast, anticipating the arrival of the Japanese fleet, and get them through before there was a single vessel to attack them?

On the other hand, continuing the illustration and the question, will any military expert say that a condition might not arise by which we would have sufficient vessels at one end of the canal to protect our vessels as they came through from immediate attack at that point, and yet the necessity of getting the vessels through would be so great that the canal would be of great advantage to us?

Mr. THOMAS. Mr. President, I thought I had anticipated that question. I stated, or intended to state, that this would occur unless the canal were used for the purpose of transporting the fleet from one ocean to the other before the enemy had so organized its fleet as to make it impossible, or as to make it extremely dangerous or hazardous. Certainly if, prior to the concentration of the enemy's forces at either end of the canal, the movement is made, it would be free from the hazards and dangers to which I have referred. But, Mr. President, ours is the nearest fleet; ours is the one which, in the event of hostilities, will get there first; and I am discussing the proposition which has been put forward here with so much force by other Senators, that in such an event we would be humiliated, to say nothing of the danger and disaster to us, if this bill becomes a law, by being obliged to leave the canal open at all times, even to the vessels of an enemy of the United States engaged in actual hostilities. My contention is that nothing more fortunate could occur to the United States than for one of its enemies to attempt to negotiate the passage of the canal and insist upon its rights under those circumstances.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado further yield to the Senator from Missouri?

Mr. THOMAS. I do.

Mr. REED. I agree with the Senator, but I do not put it upon the basis that he does. I simply know, treaty or no treaty, that if we had forts, as we will have forts, the enemy's vessels would never live to get well started through the canal. It would not be a question of treaties, however; it would be a question of armament, of powder, and of shell, and of common sense applied to a situation.

Mr. THOMAS. Mr. President, that may be. I neither affirm nor deny the fact. The extract which I have just read from the statement of Admiral Evans, however, would seem to be somewhat in conflict with the views expressed by the Senator from Missouri as to the effective character of land fortifications. And, I may add, that there is much contrariety of opinion between naval experts as to the value of our canal fortifications for offensive purposes.

I now come to the canal act itself. I think its provisions are defensible as necessary, or as supposed to have been necessary at the time of its enactment, to accomplish the purpose for which the canal was dug. I was not a member of the Senate in 1912. I have not had time to read the debates which then occurred upon the bill; but I have some general recollection of the information which was given to the country generally through the press, and, of course, through correspondence concerning the nature and purposes of the proposed legislation. My recollection is that the canal, being designed primarily as

a great waterway in the interests of commerce, both domestic and foreign, might be subject to the drastic competition and consequent control of the great lines of continental transportation; that mindful of the experiences which the country had had with these lines of railroad in the operation of steamship lines to the Panama Railroad on both sides, and the fact that the competition which once existed had been absolutely destroyed, in one instance by the purchase of the lines of vessels on the Atlantic and on the Pacific, and in the other by subsidizing an independent line so that it was justified in refusing and could make more money by refusing than by carrying freight, thus making that route worse than a negligible quantity in the general system of transportation from coast to coast, the Congress of the United States was actuated by the desire in this legislation to preserve that canal for all time for the purpose for which it was originally designed. That purpose was to construct not only a great competitive water route, but one that would be absolutely and forever free, either from control or from possible extinction, as a line of competition through the powerful action of the tremendous corporations which operate the land lines between the Atlantic and the Pacific coasts. Of course the Nation was justified, and would be justified now, Mr. President—because, as I have said, I think the treaty is susceptible of a construction which justifies the act—in promoting the general welfare, that being the main object of all governments, by so legislating with reference to our domestic traffic as that competition never could be extinguished or controlled, and that the canal should therefore be at all times the great regulator of traffic rates throughout the United States, keeping them down to a certain level, and thereby serving the interests and the welfare of the great mass of consumers who constitute the people of the Nation. And of course the exclusion of vessels owned or controlled by railway systems was inserted in the law for the same purpose.

Mr. President, the question in my mind again is, Will this act as it now stands effectuate that condition? Will it accomplish that purpose? I am speaking now, of course, without reference to the party pledge, to which I shall come a few moments later.

I do not think it will. I have become convinced from reading and hearing the statements of the witnesses before the Interoceanic Canals Committee and from the discussions upon this floor that the economic features of this controversy are trifling in their importance. It is true that a great vessel of 10,000 tons passing through the canal will be required to pay $12,000 in tolls, $1.20 per ton; but 10,000 tons transported from San Francisco to the city of New York, at $20 a ton, makes $200,000. It is easy, of course, to use large sums of money, and by the expression of their aggregate amount to produce a false impression. The real test is, What is the effect of a given rate upon traffic? Now, let us see.

It is declared that a shipping ton consists of 100 cubic feet. That space may be filled with lead, or it may be filled with feathers. Whatever the commodity, it is the space and not the weight of the commodity which constitutes a shipping ton. It is in evidence before the committee that, generally speaking, with reference to all bulky traffic, at least, a shipping ton is the equivalent of 2 actual tons. Now, $1.20 per shipping ton is 60 cents per actual ton, and that is 3 cents per hundred pounds. Three cents per hundred pounds would have about as much influence in the regulation of rates across the continent as a drop of water would have in affecting the level of Lake Superior. It is infinitesimal in its quantity, and it comes to nothing when you consider the great amount of traffic that is to be influenced by it.

Why, Mr. President, competitive rates as they now exist over the Tehuantepec Railroad, the charges being greater than 3 cents per hundred pounds, are sufficient, it seems, to maintain active competition between the waterway and the railways, and to enable the shippers by the use of the former to compete successfully with the traffic of the latter. This is vividly illustrated by the statement of Congressman HUMPHREY, who appeared before our committee. I read from page 404 of the hearings. He says:

> That suggests to me another question which I came very nearly forgetting, and that is the market we hope to reach and that the tolls directly affect. Let me give you an illustration of what I mean. You take a carload of fir lumber to-day, I will say 1,000 feet to-day, and you can send that lumber down the Pacific coast in a vessel to the Isthmus, 103 miles across the Isthmus by the Tehuantepec Railroad—

He should have said 184 miles—

> put it on another vessel, bring it up to Philadelphia, put it on the railroad there, and send it back to Indianapolis for about 1 cent less or 2 cents less than you can send it direct from Seattle to Indianapolis or any of the Pacific coast ports.
>
> Take a still more striking illustration; take canned salmon, one of our principal products on the Pacific coast. You could send a case of canned salmon, or could when I looked it up a few months ago, down the Pacific coast, across the Tehuantepec Railroad, bring it up to New York and put it on the railroad and take it to Buffalo; put it on a vessel there and take it through the Great Lakes and the Soo Canal to Duluth at just the same rates you can send it direct from Seattle to Duluth. That shows you the effect of water transportation. Now, every time that you place 1 cent upon the tolls, every time you add 1 penny to the freight that goes through the Panama Canal you restrict the market that much; you keep us from getting that much farther west and that much farther up the Mississippi River.

I asked the witness:

> If I understood your last illustration, in which you cite the transportation of salmon by water up into Duluth where it could be sold cheaper than the same canned salmon could be transported by railroad to Duluth, you run it over the Tehuantepec Railroad?
>
> Mr. HUMPHREY. Yes.
>
> Senator THOMAS. How does the transportation charge of the Tehuantepec Railroad, including breakage, compare with the tolls that are proposed by this repeal bill to be placed on the same commodities going through the canal?
>
> Mr. HUMPHREY. I am not familiar with that.
>
> Senator THOMAS. It is greater, is it not?
>
> Mr. HUMPHREY. The rate in that way, handling and unloading, of course is a great deal greater than going through direct.

So, Mr. President, we have the condition which it is declared the repeal of this law will kill, notwithstanding the fact that the route, which is and has long been a competitive one, requires the breakage of freight twice and transshipment across the isthmus 184 miles. This record is replete not perhaps with such glaring instances, but with statements which justify the conclusion, so far as the amount of this freight is concerned, that as the basis of the economic feature of the argument it seems to me at least to be of no importance whatever.

It is true that the aggregate which would be paid in the case of tolls would be very considerable. It is true that it would probably put the Tehuantepec Railroad out of business, or at least compel it to meet the competitive route. But it is equally true, Mr. President, that in so far as its effect upon coastwise traffic is concerned its influence will be practically negligible.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New York?

Mr. THOMAS. I do.

Mr. O'GORMAN. If the effect of the canal on the transcontinental railroad traffic will be negligible, has the Senator any explanation to offer as to the persistent opposition of the railroads of the country for more than 30 years against the construction of a canal across the Isthmus?

Mr. THOMAS. Oh, yes, Mr. President, there is no question that the railroads desire to monopolize the entire traffic of the country. They fear water competition as they fear all competition. They do not want a competition which, in my judgment, will eventuate in the Government of the United States operating its own vessels and doing this traffic, thus compelling them to equalize rates all over the country. It is not canal tolls they are concerned about. It is water competition from coast to coast, of which canal tolls are but a feature.

Besides, Mr. President, it is the chronic policy of the railway companies always to oppose even potentially competitive routes, because they generally assume that the ultimate effect will be injurious to them, even though they may be needful to the territory immediately served.

I have already stated that the companion piece of this legislation is the exclusion of railway owned or controlled vessels from the canal. Without this they could easily, through the influences they have heretofore exercised, reduce the canal to the same condition of dependency and uselessness to which the Panama Railroad in times past was brought.

British Columbia shipping is just as active via the Tehuantepec Railroad route in competition for this coast-to-coast traffic as she will be whether this law is repealed or whether it is not. One would judge from the statement of the Senator from Utah [Mr. SMOOT] that free tolls through the canal would enable our shipping to compete with all the other nations of the world, notwithstanding differences in wages, difference in provision, cost of construction, and all the other differences which he declared to be so glaringly in contrast between them and our own. Those conditions, Mr. President, are not dependent upon canal legislation. They will not disappear with canal legislation. No matter what the differences, they are based upon other and entirely distinct and foreign reasons. Of course the Senator is too well informed not to know that just as well as I. Their place in this discussion is not apparent to me, possibly because of my limited perceptions.

Mr. President, this brings me to the real purpose for which I took the floor, and that is the discussion for a moment of the amendment which I offered providing exemption of tolls

for all the traffic passing through the canal, coastwise and foreign and everything.

Mr. WILLIAMS. Of all nations?

Mr. THOMAS. Yes; of all nations. In the first place, Mr. President, this does not contravene, nobody claims that it contravenes, any part or portion of the treaty. It is consonant with the treaty. It is consonant with those who desire the repeal of the present law. It is consonant with the views of those who desire to keep it in existence.

Mr. President, I am neither a prophet nor the son of a prophet, but I nevertheless hazard the prediction that this canal will never fully subserve the great purposes for which it was constructed, and the vast expenditure which we have made until it is made as free to the vessels of all nations as the wide ocean itself, as the Sault Ste. Marie Canal is to-day, as the Mississippi River to our domestic traffic, as the Lakes are to the great inland water traffic of the country.

Mr. President, if this canal is to become useful for over-sea traffic that traffic must be diverted from the Suez Canal. Virtually all of it goes that way. It has done this so long that it has hardened into a custom. These sea carriers have trading stations between their ports of departure and their ports of arrival on both sides of the Suez Canal. They have their coaling stations. With the exception of New Zealand and the South American coast the Suez route brings the world nearer to the great ports of Europe than by way of the Panama Canal. As a consequence, we must offer extra inducements if we are going to divert that traffic to our canal, as we can divert it to the general benefit of this country and in the interests of international commerce.

Mr. President, one of the great benefits that will result from this policy will be that the Suez Canal itself must follow our example and become in turn a great free highway for all the nations of the earth. A free Panama Canal and a toll Suez Canal could not coexist very long. The contribution which a free Suez Canal would make to mankind, given in figures by the Senator from Utah a few moments ago, in the removal of its charges upon the world's traffic, would amount in the course of two or three years to more than all the subsidies which have been referred to during this debate.

Mr. President, I am not going to elaborate this proposition. I have not the time. I read into the RECORD on the 10th day of April the articles of Admiral Evans upon this vastly important subject. He exhausted the proposition, and I trust that Senators who are interested in the proposition will read what he said. I believe they will come to the conclusion which I reached through that channel of information long before this question became an acute one.

Mr. President, whether we repeal this law or not, whether it remains upon the statute books or whether it is to be taken from them, the great problem of cheap coast-to-coast traffic in its material bearings and consequence to the people will find no solution. That must come from another source. The Government of the United States has long operated, through a private company, it is true, but nevertheless operated and controlled, a fleet of merchant vessels plying between its own ports and Panama. It has demonstrated its power as a business factor in the building of the Panama Canal, in the operation of hundreds of miles of telegraph and telephone lines in Alaska, in the spread of the railway system in the Philippines.

Mr. President, if this canal, so far as domestic commerce is affected, is to bring that benefit which we all hope for, and which it was designed to bring, the Government of the United States should build its own line of merchant marine, should operate its own vessels, and by that means place and keep freights and traffic to the level which they ought to occupy. The canal should, of course, be free for private-owned vessels. Those of the Government will not operate at a loss, and there will be traffic for all. The Government vessels will be the regulator, free from combinations and conferences, yet just to consumers and competitors alike.

Mr. President, I do not know how long it may be, I believe this policy will come in time, and the canal will have subserved its purposes, and posterity will rejoice that our money has been expended in the establishment of a highway that serves the people because they operate as well as control it.

Mr. President, we do not tax commerce generally for purposes of revenue. That canal was not constructed as an investment. Reference has been made to $700,000,000 which has been expended by this Government in improving rivers and harbors. Do we levy a single dollar of tax upon any commerce for the use of the improvements which are represented by this expenditure? Why should we make an exception of this our greatest achievement? Why should we exempt it from that general policy of operation which is characteristic of our expenditures for the improvement of navigation?

The great Ambrose Channel, constructed at an enormous expense, is useful only for foreign vessels. There is not a ship flying the American flag which needs that channel. It is and was made necessary in order that the greater craft of other nations engaged in international commerce might reach the wharves of the city of New York. That is only one of many instances I might mention in support of the proposition that a tax should not be levied by this country upon that commerce which represents transportation. So we are not departing from any old policy, we are not establishing any strange policy, we are not branching out in a new line of endeavor, when I plead for free tolls for all, but we are merely carrying out the general plan which has long characterized our expenditures for these great purposes.

Mr. President, I want to say a word with reference to our coastwise traffic, and here I think the Senator from Missouri [Mr. REED] and I will agree. Much has been said concerning the vast importance to its future which this bill carries. It is said that if repeal shall be effected this commerce will dwindle and decay. On the other hand, it is asserted that if the law remains it will expand by leaps and bounds.

I do not believe, I can not bring my mind to believe, that the enactment of this measure or its repeal can influence it in any way. Our coastwise traffic is a monopoly. Ninety-two per cent of it is controlled as completely and as absolutely as the Standard Oil Co. ever controlled the markets of the country. It is the necessary and legitimate consequence of our navigation laws. Years ago we bound up our coastwise commerce as Chinese bind the feet of their women, restricting growth and compelling and forcing it along certain lines. We could not, if we had deliberately so intended, have legislated more effectively for the creation, for the necessary creation, of monopoly in any line of business than in the navigation laws and their application to coastwise traffic. It is not the tolls act which should concern us, but the code of laws of which this crushing monopoly is the lusty and legitimate offspring.

The way, Mr. President, to relieve ourselves of this monopoly is to repeal these laws, set them aside, and open our coastwise traffic to the competitive conditions which the coastwise traffic of the other great nations has long encountered.

Do you tell me that you can not compete? I deny it, Mr. President. But monopolies are odious, and this monopoly should disappear.

Now, it is claimed that another provision in this treaty excludes this shipping from the canal, and it is therefore not concerned in repeal; but we know, Mr. President, that man never yet enacted a statute that the cunning of man could not avoid. Human ingenuity is not proof against human ingenuity, and the most patient and experienced constructor of statutes knows full well that exemptions and exceptions in the hands of skillful men are merely obstructions and difficulties naturally expected, but which can be climbed over or tunneled through.

The exemption clause subserves a good purpose. I fear it will be effective only so long as, and no longer than, this monopoly determines to break through it. Then in all probability an assumed dissolution of combinations or sales of railway interests will take place, and the old form garbed in a new dress will snap its fingers under the nose of the statute.

Mr. President, my amendment is entirely harmonious with the Baltimore platform. That document is giving our Republican friends much concern, and I am anxious, as far as I can, to calm their apprehensions concerning it. And I am also anxious to observe its requirements, since it must govern my action in the premises.

Mr. President, I am both pleased and surprised at the solicitude which our Republican brethren display concerning this party pledge and their anxious demand for its observance. I can not but contrast it with the exhibition of solicitude when the tariff bill was before this body for consideration, which then, however, ran in the contrary direction. We were then warned that if we observed our party obligation we would ruin the country and ourselves. We are now warned that if we violate our party obligation the same results will inevitably follow. It is a sad position to put our party in. "We shall and we shan't, and we will and we won't. We'll be damned if we do, and we'll be damned if we don't." We have, according to our Republican brethren, already put ourselves beyond the pale of possible success by disregarding their earnest protest and keeping the faith in one direction. Notwithstanding that, we are about to bring upon our heads additional disaster by breaking faith in the present instance. Verily the pathway we tread is full of thorns.

But, Mr. President, aside from this pleasantry, let me say that I am not prepared to accept the assurance that the adoption of this plank of the platform was the thoughtless, ill-considered act of the party to which I belong. I must assume that the platform was carefully prepared and carefully considered, and that the statesmen who framed it were quite as well acquainted then with the provisions of the Hay-Pauncefote treaty as they are at present.

Twice in my State have I broken with my party, Mr. President, because of my insistence upon the observation of party pledges. I concede fully that where a party platform contains inconsistent provisions it is impossible for one to comply with all of them, and that it is essential that a choice be made between that which must be followed and that which must be disregarded. There are some differences, perhaps unreconcilable, in our platform, as there are frequently inconsistencies in some well-considered statutes.

But I can perceive no inconsistency here. If I could bring my mind to believe that this exemption was a subsidy, I should feel as most of my colleagues do, and act accordingly. I do not criticize; I rather commend them for their attitude, for they are governed, as I must be, by my convictions of duty. I may be obtuse, Mr. President, but this exemption does not measure up to my definition of a subsidy. If it is a subsidy, then we have voted subsidy upon subsidy in the legislation of the present Congress, as in that of its predecessors. We have subsidized every man whose income is less than $3,000 a year; we have subsidized the American merchant marine by giving it a discrimination of 5 per cent on all the traffic of American bottoms; we have subsidized our merchant marine passing through the Sault Canal; we have subsidized the vessels of all nations which utilize the Ambrose Channel and enjoy the benefits of our chain of lighthouses, our buoys, and our harbor privileges.

I regard a subsidy as something enjoyed by a certain class of people who are a small part of a larger class. For example, the International Steamship Co.—I believe that is the name of it—is subsidized by the Government of the United States in the guise of payment for carriage of the mails. No other ships plying between the same ports are subsidized. Everyone can engage in the coastwise traffic who can build a ship and sustain the competition, thus availing themselves of a common privilege. As a consequence, it is a sort of free-for-all, in so far as freedom can be said to be consistent with the existence of a great monopoly. Hence I am unable to share the view, much as I respect the convictions and argument and logic of others, that this is a subsidy as I understand the meaning of that word. Mr. Taft and many other gentlemen declare it to be one. They may be right, but I must be the judge so far as my own action is concerned.

Mr. President, a party pledge solemnly given should be binding. It should be observed in the absence of any supremely controlling reason for its disregard. Being unable to perceive any conflict between this and our other pledges, I feel that when the Baltimore convention committed the Democratic Party to this exemption I have no authority to disregard its obligations.

I say frankly—and my views have undergone a profound change with reference to the general subject—that were it not for the expression of my party upon the proposition I should not hesitate to vote for repeal, and do so with the full approval of a matured judgment.

I hope my amendment will receive the consideration which I think it deserves, because it will confer a great economic benefit upon the people of this country, and incidentally upon all the nations. And I am unable to see why any exemption should be made which is not absolute. Surely if there is to be a limitation it should apply not in favor of a monopoly, but of those who are in competition with the world for the commerce of all the nations.

Mr. President, I have not attemptd a logical and systematic discussion of canal tolls. I have merely sought to present, crudely, perhaps, but nevertheless to present, the conclusions which I have reached from my considerations of this important measure, together with some of the reasons for entertaining them.

PROHIBITION OF LIQUOR TRAFFIC.

Mr. SHEPPARD. Mr. President, I wish to occupy the attention of the Senate for a very few minutes in reference to a matter in which I feel a deep interest.

I have noted recent statements in the daily press opposing the prohibition amendment to the National Constitution. The statements to which I refer invoke the doctrine of State rights and local self-government against the national amendment.

I regard as almost blasphemous the attempt to invoke the sacred principles of State rights and local self-government for the protection of the liquor traffic. There ought to be no such thing in county, State, or Nation as a right to authorize the liquor traffic. There should be no such thing as a right to authorize a wrong. Those who urge the doctrine of State rights against national prohibition say in effect that they are entirely willing that the liquor traffic shall flourish in this Nation as long as a single State desires it. The liquor interests in this country would go wild with joy if every prohibitionist would take that view. It would mean their perpetuation. It would mean that from their strongholds in one State or a few States they would continue to pour a tide of corruption over all the land. In some States the liquor traffic is impregnably intrenched. I do not underrate the value of State, county, and precinct prohibition. These are infinitely better than no prohibition at all. But the liquor traffic spreads from a few centers all over the country; its ramifications are everywhere. It is a national as well as a local evil, and its power is so tireless and so terrible that the Nation will never be safe as long as it flourishes in even one or a few States. It is certainly to be regretted that the doctrine of State rights should be invoked in behalf of the liquor traffic, which is universally recognized as the most conscienceless violator of State rights the country has ever known. The liquor traffic persistently fought interstate liquor legislation by Congress on the ground that the States had no right to interfere with the liquor traffic in the Nation; now it fights the national prohibition amendment on the ground that the Nation has no right to interfere with it in the States.

If the constitutional views of those who urge the State rights principle in this controversy had prevailed in the past, the States that voted against or failed to ratify the Federal income tax or the direct election of Senators would still be exempt from the levy of the tax within their borders, or would still be electing Senators by the legislatures and not by the people. They seem to be seriously alarmed lest the United States Army might be ordered out to suppress a "blind tiger" or capture a "bootlegger" in the event the national amendment should be adopted. The mere statement of such a proposition is its own refutation.

These gentlemen are afraid that if the States get together in a sufficient number, as they have a right to do, and summon their creature, the Federal Government, to join them and cooperate with them in the contest against the liquor traffic that it will mean the death of State governments, the disappearance of State identity. They seem to be afraid that if the States do right in this instance the shock will be so great that they will immediately agree to disband their respective political organizations and all commit suicide together. Nobody will seriously credit such a contention.

Texas proponents of "State rights" in this matter say that we will do well to work our own crop in Texas and let other crops alone. This is the same old guilty cry of Cain, "Am I my brother's keeper?"

I announced for nation-wide prohibition in almost every speech I made in my campaign for the senatorial nomination, and I referred specifically to the constitutional amendment pending in Congress. There was no question as to where I stood. In supporting this nation-wide amendment I am but keeping my promises to the people. They are above all caucuses, all officials, and to them alone do I hold myself accountable.

I have heard that there is a formidable movement afoot to commit the Democratic Party against the national amendment. If this movement should succeed, it would affront the moral sense of the Nation and lead the Democracy into a contradiction of one of its most vital principles—the greatest good for the greatest number.

It is proper for me to say here that in my own State, the State of Texas, there is in progress a contest for the governorship and other State offices in which State-wide prohibition is one of the dominant issues. Practically all Texas Democratic prohibitionists are properly behind Hon. Thomas H. Ball for governor, although he is not yet convinced as to the expediency of the national amendment. Let it be said to the credit of Mr. Ball, however, that he made it clear in his opening speech that although he had not aligned himself with the nation-wide movement, he had no confidence in the utterly baseless proposition that the nation-wide amendment contravenes the doctrine of State rights.

As a matter of fact, when three-fourths or more of the States, proceeding under the Constitution, join in summoning their servant, the National Government, to the contest against the Nation's most powerful enemy, the liquor traffic, they are exercising their rights in the highest and most beneficent sense. The nation-wide amendment will provide, in effect, that it shall be enforced in concurrence with the States and not to their

exclusion. If the position taken by our friends who are urging the State-rights argument that no further powers shall be given the National Government to meet new conditions is indorsed, then that section of the Constitution providing for its amendment is absolutely meaningless. The proposed amendment contemplates depriving no State of its own power to punish violators of its prohibition laws.

As to the State of Texas, I wish to say that at a great prohibition rally held at Fort Worth early in this year, attended by almost 5,000 representative prohibition Democrats from every section of the State, the nation-wide amendment was unanimously indorsed.

Let me say here that prohibition is a moral and economic issue outside of ordinary party lines, and it should be made a test of no man's fealty to party. Therefore the effort to commit the Democratic Party as a party against nation-wide constitutional prohibition can not be too strongly condemned, and the recent caucus of the Democratic Party in the National House of Representatives acted wisely in not committing itself against the nation-wide movement.

So far as I am concerned, my path is clear. I did not come to the Senate merely to hold the office. Among the things I promised the people to do was to lift my voice against the liquor traffic in the Senate of the United States and to support this nation-wide amendment. Whether my service here be short or long, I shall remain faithful to the people's interest as I am able to see it, and to the people I submit my record.

Mr. President, I ask permission to put in the RECORD in connection with my remarks a brief statement I made before a subcommittee of the Judiciary Committee on the subject of the nation-wide prohibition constitutional amendment.

The VICE PRESIDENT. Is there any objection to printing in the RECORD the remarks referred to by the Senator from Texas, and which were not made in the Senate? The Chair hears none, and the order is made.

The matter referred to is as follows:

STATEMENT OF HON. MORRIS SHEPPARD, A UNITED STATES SENATOR FROM THE STATE OF TEXAS.

Senator SHEPPARD. Gentlemen of the committee, as the introducer of the national prohibition amendment in the United States Senate (S. J. Res. 88), I desire to preface the hearings you have so kindly granted on this subject with a brief discussion. In the beginning, let me say that the prohibition forces desire the resolution amended by inserting, after the word "power," in line 13, page 2, the words "only in concurrence with the States," our purpose being not to have the Federal Government supplant the States in handling this question but to cooperate with them.

The liquor traffic is a permanent menace to the Nation. It is the distribution for profit of a habit-producing drug in liquid form, a seductive poison that breaks down the vital processes of the body, destroys the capacity to resist disease, undermines intelligence, strength, and health, impairs the moral sense, composes the chief source of poverty, insanity, feeble-mindedness, sickness, crime, and transmits an hereditary taint that seriously handicaps posterity. It is the enemy of virtue, honor, manhood, all that life holds sacred, all that life holds true. It is diverting from productive channels a sum now approximating two and a quarter billions of dollars every year, representing an ever-growing proportion of the earnings of the people, a sum which would otherwise be used in building and improving homes, in providing for substantial needs such as clothing, food, shoes, other comforts and necessities, for education, for benevolent undertakings of all kinds. It is time for the Nation to act when more money is being spent every year for intoxicating liquors than for bread or for clothes. Such is the power of the drug that men will vote against it, speak against it, pray against it, and then hold out their trembling hands for the glass that damns. Surely it is a short-sighted statesmanship that would permit $2,000,000,000 to be worse than wasted each year in the production of misery and vice and shame in order that the Government might obtain a revenue of two hundred and twenty millions. If this Republic can not live without the dirty dollars it obtains from the liquor traffic, dollars stained with the tears of women and children, it ought not to live. There are legitimate sources of revenue yet untouched. There are few direct taxes on luxuries. The income tax has little more than scratched the surface of enormous wealth. There is no Federal inheritance tax. Nonalcoholic beverages are untaxed. The national domain, with measureless mineral resources, water powers, forests, and the like, could be managed so as to produce a yearly usufruct of fifty or one hundred millions. The pension roll at last gives promise of rapid decline.

The proponents of the national prohibition amendment assert that the American Republic can not endure if the liquor traffic continues to absorb the earnings and the energies of the people—to threaten their moral and material welfare. The annual consumption of wines and liquors now averages about 22 gallons for every man, woman, and child in the United States. We assert that this country can not withstand the economic loss that comes from an annual waste of two and a quarter billions of dollars, a sum more than double the national debt, and from the use of millions of fertile acres for the production of grain and fruit to be rotted into alcohol, but for which these acres would be making bread and meat for the Nation's sustenance. It is an evil transcending the scope of police powers that pertain to the morals, the health, the physical safety of State populations, although it is partially within the scope of such powers. It portends economic disaster for the Nation. The Nation is threatened and the Nation must act. The preservation of the Republic demands that the traffic in intoxicating liquors shall cease. It is an evil of such proportions and of such character that the Nation must take part in the struggle against it.

This nation-wide prohibition amendment proposes that the Federal Government shall cooperate with the States in the destruction of the liquor traffic. I can not see that it violates in any way the fundamental plan on which our Government was founded or contradicts in any sense the doctrine of State rights. As I understand our history, the Federal Government is the creature of the States and possesses only such powers as are expressly or impliedly delegated by the States. I do not understand that the States are unable to delegate any further powers than those they conferred when the Constitution was originally framed. Whenever it appears to three-fourths of the States that the welfare of the country demands that additional functions should be delegated to the General Government, such States have the power and the right to delegate such functions through proper constitutional processes on such conditions as they deem proper and the whole performance is in consonance with the true theory of American Government. By this amendment the American people, speaking through the Federal Government, their only collective mouthpiece in a governmental sense, will declare that the liquor traffic is an outlaw in every part of the United States, that the Federal Government shall be empowered to enforce such declaration in concurrence and only in concurrence with the States, and that those States which have no laws against the traffic and desire no laws against it have not the right to harbor so frightful a menace to the happiness and prosperity of the Nation. Under this amendment no State will be deprived of the power to legislate against the traffic.

We want the battle to continue in family, precinct, county, State, and Nation. No unit of government or of society is too small, no unit is too large to have a place in the ranks now gathering for this conflict under the banners of Almighty God. The liquor traffic is so firmly intrenched in some sections of the country that national action will be necessary to exterminate it. We are not simply citizens of States. We are Americans above all things else. We can not wrap ourselves in the mantle of a narrow localism. We can not successfully combat national evils by confronting them only in our immediate territory. What would be thought of the man who after apparently conquering the flames in his own room in a hotel would in fancied security sit gravely down to watch the fire devour every other portion of the structure? Let me tell you that if the liquor traffic is permitted to take refuge in one State or in a few States it will be only a matter of time until the whole battle must be refought in every part of the Union.

Let me pay the liquor forces the tribute of saying that they are as shrewd and tireless a set as ever vexed humanity in the cause of evil. They told us when State-wide prohibition was first discussed that the county was the proper unit of local self-government. Now, when Nation-wide prohibition is contemplated, they say the State is the proper unit. They are the most zealous defenders of "local self-government" the world ever saw, but they always make the locality small enough to leave the liquor traffic in operation somewhere beyond its borders. Let prohibitionists be not deceived. The cry of "local self-government" and "State rights" is being raised to-day in the interest of the liquor traffic. Some prohibitionists are being influenced by the cry, but they will soon see the real situation and join their brethren on the fighting line.

An area equal to nearly three-fourths of the national territory containing about half our population has been voted dry, but from its citadels in certain sections the liquor traffic still floods the land with its destructive tide. The consumption of intoxicating liquors is increasing. It was greater last year than ever before. Men, women, and children are succumbing to its pitiless advance. The devastation would be far more rapid but for prohibition in many States and counties, yet it is nevertheless on the increase. State-wide prohibition is good, and we must fight for it at every opportunity. The Webb law is good, and we must preserve it. But not until the American people as a whole unite and acting through their collective Government say that the liquor traffic shall exist nowhere within our borders will the body of this death be permanently lifted.

Gentlemen, it is safe to say that many millions of the American people desire this amendment submitted. Whether you believe in it or not, give the American people a chance to discuss it and to pass upon it. If it should be rejected, one phase of a great issue will have been definitely settled at least for a long period. If it should be adopted, the blessings of heaven will be yours for having aided in securing one of the mightiest reforms of time. We believe that we are entitled to have this tremendous question submitted to the American people acting through the American States. All that we ask is the American privilege and the American right of presenting our cause in the proper forum of American constitutional opinion. [Applause.]

AFFAIRS IN MEXICO.

Mr. OWEN. Mr. President, I believe that many of the people of the United States do not fully appreciate the facts which have justified the United States in refusing to recognize Huerta, in demanding an apology, in taking possession of Vera Cruz, and in massing its forces in preparation for dealing in other ways, perhaps, with Gen. Victoriano Huerta. I feel impelled to present some of the facts which have justified our conduct and which would now justify the United States in demanding and enforcing by arms, if otherwise unavoidable, the restoration of "Government of the people, by the people, and for the people," to the hands of the people of Mexico, and the overthrow of the cruel commercialized military oligarchy now riding the people of Mexico to ruin and chaos.

When Victoriano Huerta usurped the presidency of Mexico by military revolution, February 18, 1913, he found immediate opposition. The legislature of the State of Coahuila passed resolutions instantly supporting Madero (Feb. 19). This resolution made Madero's death expedient to Huerta to prevent organized support of Madero. Madero was killed (Feb. 22, 1913) at once.

It soon became obvious to Huerta that his only chance to hold his power against Carranza and Zapata fighting for the constitution was by exciting a war or some act of aggression by the United States which would enable him through misguided patriotism to rally behind himself the leaders of the constitutionalist movement. Huerta thought he could by exciting their patriotism make them forget or condone his crimes in resisting a common foe and thus get them to support his leadership.

From many quarters since last summer the authorities of the United States have had reason to know of Huerta's wicked purpose against the United States.

Finally, when the unspeakable misconduct of Huerta's administration had not yet moved the United States to take any aggressive action against Huerta, a step was taken by one of Huerta's subordinate officers at Tampico which could not be overlooked or condoned. One of Huerta's subordinate officers, on the 9th of April, 1914, in all human probability instigated by Huerta himself, arrested at Tampico a paymaster of the U. S. S. *Dolphin* and a boat's crew, all in the uniform of the United States. Our sailors were unarmed and entered Tampico to purchase some gasoline. Two of them were in our boat with the flag of the United States at the bow and the stern of the boat, and upon our own soil under the international law. Our unarmed men, in the uniform of the United States, were then paraded through the streets of Tampico as a public spectacle, subsequently released with an apology from the subordinate officer and later with an expression of regret from Huerta. But Huerta deliberately declined to salute the flag, under the rules of international law, as demanded by the President of the United States, for this international affront and indignity, while he temporized for 10 days with President Wilson, evidently with a view to obtaining a cargo of 250 machine guns and 2,000,000 rounds of ammunition which were expected to arrive by a German merchant ship at Vera Cruz on Tuesday, April 21. The President of the United States gave Huerta until 6 o'clock Sunday night, April 19, to make the amends required by international law. The salute was not made. On Monday, April 20, the President of the United States presented the matter to the Congress of the United States, and Congress passed a resolution as follows:

That the President is justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States.

Be it further resolved that the United States disclaims any hostility to the Mexican people or any purpose to make war upon Mexico.

This resolution was justified by a preamble referring to the facts presented by the President in his message to Congress of the 20th of April.

The Senate of the United States, after discussion, voted down a substitute preamble to this resolution, offered by the distinguished Senator from Massachusetts, as follows:

That the state of unrestrained violence and anarchy which exist in Mexico, the numerous unchecked and unpunished murders of American citizens and the spoliation of their property in that country, the impossibility of securing protection or redress by diplomatic methods in the absence of lawful or effective authority, the inability of Mexico to discharge its international obligations, the unprovoked insults and indignities inflicted upon the flag and the uniform of the United States by the armed forces in occupation of large parts of the Mexican territory have become intolerable.

That the self-respect and dignity of the United States and the duty to protect its citizen and its international rights require that such a course be followed in Mexico by our Government as to compel respect and observance of its rights.

Those who voted against the amendment proposed by the Senator from Massachusetts I feel sure did not question the truth of the statements in the preamble, but thought it unwise to repeat these grievances for fear that it would lead to immediate war, as the preamble justified immediate intervention and the President had not recommended intervention. The Government of the United States had been sincerely endeavoring in true friendship to use its good offices to restore peace in Mexico without resorting to armed force, hoping that Huerta and his associates would consent to hold an honest election and restore constitutional government in Mexico. This hope has utterly failed, and in the meantime a terrific war is being waged by armies of Mexicans fighting for liberty and demanding constitution and reform.

Mr. President, I voted against the preamble proposed by the Senator from Massachusetts, although I fully recognized the truth of its recitations, because I very greatly desired to have an adjustment of the difficulties in Mexico with as little loss of life as possible, and I desired to hold up the hands of the President of the United States in his anxious and patriotic purpose to secure the adjustment of these difficulties peacefully, if possible. But, Mr. President, I wish that the people of the United States and that the people of the world might know that our seizure of Vera Cruz and our demand of Huerta to salute the flag had behind it the most abundant justification, and I think that the world should know what the conditions are which have confronted us on our immediate borders and which not only have justified our extremely moderate and considerate conduct in this matter but which would now justify the United States in demanding the complete restoration of peace and order in Mexico and the reestablishment of liberty and the actual sovereignty of the people of Mexico. The welfare of the whole world depends upon the establishment of the ideals of the Republic of the United States, of "constitutional liberty and order and justice between man and man." The people of the United States do not desire in any degree to control the affairs of the people of Mexico, but I do believe that the people of the United States very greatly desire the restoration of liberty, justice, and constitutional self-government in Mexico, so that the people of Mexico can enjoy the rights of life and liberty, the pursuit of happiness, and enjoy the fruit of their own labors.

The President, in his message to Congress, said:

We do not desire to control in any degree the affairs of our sister Republic. Our feeling for the people of Mexico is one of deep and genuine friendship, and everything that we have so far done or refrained from doing has proceeded from our desire to help them, not to hinder or embarrass them. We would not wish even to exercise the good offices of friendship without their welcome or consent. The people of Mexico are entitled to settle their own domestic affairs in their own way and we sincerely desire to respect their right.

Mr. President, I agree with this generous sentiment and I wish we might assist the people of Mexico to restore orderly government without such enormous destruction of life and property. At present, in the attempt to establish order, a series of daily bloody battles are in progress, with thousands of men being killed on the battlefields of Torreon, Monterey, Tampico, and so forth. The people of Mexico have no way in which to express their opinion but by battle. They have no elections in Mexico which deserve to be called by the name. The last election, of October 26, 1913, was a willful fraud and a corrupt mockery of the people of Mexico, engineered by a military oligarchy, directed by Huerta.

Secret instructions were sent out from Mexico City October 22, 1913, in Huerta's interest to have the votes counted for Huerta and to make the elections void as to the presidency by returning a deficient number of precincts, which, under the Mexican law, would leave Huerta as provisional President, and this was accomplished under Huerta's dictatorship.

Mr. President, the real difficulty in Mexico is the establishment of a commercialized military oligarchy, enjoying every form of privilege and monopoly at the expense of the rights of the people of Mexico, millions of whom are denied the rights of property, of liberty, and of life itself. Under this heartless organization the wages of the people are not sufficient to sustain a civilized human being, provide food and shelter, much less provide any opportunity for instruction or for human progress. It is the same condition which caused the great French Revolution in 1789. The murder in Mexico of American citizens, and of Englishmen and of Germans and of Frenchmen and of Spaniards, and the wholesale robbery and destruction of property under the lawless conditions which have ensued from this primary cause are merely details of an unavoidable result. The usurpation and violence of Huerta, his insult to our flag and uniform, are details of the egregious crime against humanity which this commercialized military oligarchy of Huerta and his friends represent. The killing of thousands in Mexico City when Huerta treacherously overthrew Madero is only a detail of this criminal system.

Mr. President, the remedy for this condition is not from the top down; it is from the bottom up. Liberty, freedom, and equal rights are not bestowed by the powerful few on the many as an act of grace and justice, but are established by the many by the ballot, or, where the ballot is denied, at the point of the sword. This was done at Runnymede, when the Magna Charta was wrested from the hands of John. This was done in France, over a hundred years ago, when Louis XVI and Marie Antoinette were dethroned. This was done by the American colonists when we set up the Government of the United States. The common people established liberty in France, in England, and in the United States. And this will be done in Mexico at the cannon's mouth, by the armies of the common Mexican people demanding the right of life, liberty, and the pursuit of happiness. My sympathies are with the common people of Mexico. I want them to govern themselves, and I desire that the United States shall give a friendly hand to those who seek to establish constitutional government in Mexico.

They say that Gen. Francisco Villa, leading the constitutionalist armies, has been a horse thief, a bandit, a robber, a killer of men. It may be true, for Villa was only an ignorant, unlearned peon, whose sister was ruined by a Cientifico. Villa, I understand, when 18 years of age, killed the betrayer of his sister, and took to the mountains to save his own life, in a country where the rights of a peon were little better than the rights of a wolf. The hand of society was against Villa, and Villa made war on society. But Villa, whatever his sins of the past, is now waging a humane warfare, as he has recently learned it out of a volume given him by an American officer.

Villa, at all events, is now demanding the constitution and reform. Villa, at all events, avows his friendship for the United States and its wise policies. Villa, at all events, has taken his own life in his hands and is leading thousands of other common men in the demand for the overthrow of the usurping despot, Huerta, for the overthrow of the entire system represented by Huerta of a commercialized, military oligarchy, and the establishment of constitutional government; and in this enterprise I hope for the reestablishment of the constitution and honest government, trusting and believing that neither Villa nor Carranza, nor the men fighting with them, will ever stand for the restoration in any other form of the evil system which they are gladly shedding their blood to terminate.

I wish to show that we are justified, not by our own grievances alone, but by the grievances of Englishmen, Germans, Frenchmen, Spaniards, and above all, perhaps, by the grievances of the unhappy people of Mexico, whose liberties, whose property rights, and whose lives have been, and are now, at the mercy of an armed military oligarchy, led by Huerta; that no man's life is safe in Mexico, that no man's property is safe in Mexico, that no man, whether he be Mexican, American, Englishman, German, Frenchman, or Spaniard, has any safety in his life or his property under the criminal rule of this usurping military despot, who has declared himself vested with legislative, judicial, and executive power over the people of Mexico.

Until Diaz established his military control of Mexico and carried on a halfway benevolent commercial despotism there were 52 dictators, Presidents, and rulers in 59 years in Mexico. The Encyclopedia Britannica on Mexico, describing the causes of their difficulties, says that the—

CAUSE OF THE PRESENT REVOLUTION IS THE PRIVILEGED CLASSES VERSUS THE PEOPLE.

It says:

Thenceforward, till the second election of Porfirio Diaz to the presidency in 1884, the history of Mexico is one of almost continuous warfare in which Maximilian's empire is a mere episode. The conflicts, which may at first sight seem to be merely between rival generals, are seen upon closer examination to be mainly (1) between the privileged classes, i. e., the church and (at times) the army, and the mass of the other civilized population; (2) between Centralists and Federalists, the former being identical with the army, the church, and the supporters of despotism, while the latter represent the desire for republicanism and local self-government.

On both sides in Mexico there was an element consisting of honest doctrinaires; but rival military leaders exploited the struggles in their own interest, sometimes taking each side successively; and the instability was intensified by the extreme poverty of the peasantry, which made the soldiery reluctant to return to civil life, by the absence of a regular middle class, and by the concentration of wealth in a few hands, so that a revolutionary chief was generally sure both of money and of men. But after 1884, under the rule of Diaz, the Federal system continued in name, but it concealed in fact, with great benefit to the nation, a highly centralized administration, very intelligent, and on the whole both popular and successful—a modern form of rational despotism.

Porfirio Diaz's reign was "popular and successful" in a certain narrow sense. It exploited the great riches of Mexico, it established many monopolies, it maintained order by killing those who dared resist the unsound system, but it eventuated in the only possible result of glorifying property accumulation and making millionaires on the one hand and on the other hand in the result of reducing the mass of the people to abject poverty, of preventing the mass of the people being educated, of preventing the mass of the people having a reasonable opportunity to enjoy life, liberty, and the pursuit of happiness. The Diaz régime or system magnified property rights at the expense of and by minimizing human rights. The necessary results of the Diaz system was his flight to avoid assassination and the succeeding tragedies we have recently been witnessing.

The people of the United States are industrious and kind-hearted, with high ideals of liberty and human brotherhood and a resolute purpose not to interfere with the liberty of others.

The great body of the people of the United States do not wish to acquire the territory now occupied by the Mexican people and do not wish to exercise any political authority over them or their affairs.

All men know, Mr. President, that when nations become involved in the violent excitement of war, when thousands of men are killed on either side, and tens of thousands are wounded, and these terrible evils sending grief to homes in every section are exaggerated, there spring up demands for indemnity and reparation that would not be made in moments of more sober reflection. If, therefore, the United States should be impelled by the unhappy conditions in Mexico to intervene, we should, in my opinion, declare to the world that we will not, under any circumstances, take any of the territory now occupied by Mexico.

We should do more than this—we should declare the true, plain, honest motives which inspire the people of the United States in its present attitude. And these reasons should be such as to fully justify the American Nation before the thoughtful opinion of the people of other civilized nations.

The United States is already more than abundantly justified in declaring armed intervention in Mexico, although the President has not done more than he has deemed necessary to bring about an adjustment with as little force and loss of life as possible. I am glad that the authorities of Argentina, Brazil, and Chile have been accepted as mediators between the United States and the military oligarchy which has usurped the right of sovereignty of the Mexican people, although I am not willing to appear to believe that any agreement with Huerta would have any value whatever unless backed by a cannon or to appear to believe he wishes an honorable adjustment.

It must be kept clearly in mind that our difficulty in Mexico is not, in reality, whether or not Victoriano Huerta, who has declared himself dictator at Mexico City, and who is at the head of an organized army, pretending to represent the Mexican people, shall fire 21 guns in salute to our flag. Our difficulty lies much deeper than this.

Mexico, under the form of a Republic, established a liberal constitution in 1853, an abstract of which I submit as Exhibit I. It will be observed that this constitution, in Title I, section 1, declares "That in the Republic all are born free," and yet the Mexican people are enslaved by cruel commercial and political monopoly, and peonage is found everywhere through Mexico. No man is really free in Mexico.

This constitution declares that instruction is free, and yet the great masses of the people have had no free instruction. And all of the other assurances and guaranties of the constitution have been gradually ignored until no man's life or property is really safe in Mexico. Fifteen millions of Mexicans are substantially denied the right of life, liberty, and the pursuit of happiness, and the bloodiest fratricidal strife has ensued from this evil cause.

The constitution, in Title I, section 1, guarantees the right of petition, and yet when the House of Delegates of the Congress of the Republic of Mexico petitioned Huerta for protection of the lives of the members of Congress, he immediately answered this petition by arresting and throwing into the penitentiary all the delegates who so petitioned—110 in number—on October 9, 1913.

Title I, section 1, article 13, provides that no one shall be tried according to special laws, or by special tribunals, and yet this military oligarchy had killed and imprisoned thousands, including American citizens and consuls, contrary to the constitution. In the prison of San Juan de Uluo, at Vera Cruz, our officers found 325 Mexican men imprisoned without trial, without accusation, by the Huerta military despotism, merely because they were unwilling to enlist as soldiers to support this wicked power. All of the personal guaranties have been ignored. Article 22 forbids mutilation, torture, yet the San Juan de Uluo furnishes overwhelming testimony of the violation of this constitutional provision.

Article 23 declares the penalty of death abolished for political offenses, except treason and murder in the first degree, and yet President Madero, declared elected as the President of the Republic of Mexico, and Vice President Suarez, elected Vice President of the Republic of Mexico, were arrested, their resignations commanded, under the threat of immediate death, and they were immediately killed, and a false account of the killing published to the world, and no judicial investigation ever held as promised to the diplomats representing all nations of the world.

Title I, section 1, article 28, declares that there shall be no monopolies of any kind, whether governmental or private (inventions excepted), and yet for the last 40 years one monopolistic concession after another has been granted, giving monopolies innumerable to private persons—monopolies in agricultural lands, monopolies in grazing lands, monopolies in timber lands, monopolies in oil lands—and it is an open secret that the oil monopolies have given huge sums in substantial bribery of the leading officials of the Mexican Government.

Monopoly has become so complete in Mexico that millions of human beings, willing to labor, own no land upon which they may labor. The same cruel and intolerable conditions of land monopoly described by Thomas Jefferson as existing in France immediately before the French Revolution exist in Mexico today, and make revolution absolutely unavoidable—make revolution absolutely inextinguishable until this crime against human life be corrected and the right of human beings to live shall be recognized and provided. The demand of the Zapatistas is for land upon which the peasantry can support life. These conditions have led to the war by Carranza, Villa, and the constitutionalists. This was the demand which Russia had to heed with her peasantry—and from which was born "Nihilism" and "An-

archism." It is the right of land to live on that caused the unending revolution of the Irish against their alien landlords and the evil policy of government that tolerated and maintained the system.

When all the land is held in the hands of the few, enabling them to dictate the conditions of life upon the millions of people who have no land, enabling them to dictate the political conditions and to seize by force, by fraud, by artifice, and craft the government powers of the common people of Mexico, and then to use the organized powers of the common people against the common people themselves and against their interests, chaos and ruin is the unavoidable consequence.

The people of Mexico are enslaved, yet Title I, section 1, article 39 declares that the sovereignty is in the people, that all public power emanates from the people. And yet, the right of sovereignty of 15,000,000 Mexican people is usurped by Huerta and the military oligarchy that surrounds him. The sovereignty of the people is supposed to be exercised through representatives honestly chosen in fair elections, yet the election on the 26th of October, 1913, was a mockery. Secret instructions had been sent out from Mexico City to make a false return of the votes in favor of Huerta and to make the returns defective in order to throw the presidential office in the hands of the Congress elected as of that date, the preceding Congress being still incarcerated in the penitentiary by Huerta's order. I submit the names of those still confined in the penitentiary November 15, 1913.

Members of the Mexican Congress put in the penitentiary by Victoriano Huerta on October 10 for having dared to pass a resolution to investigate the sudden disappearance of Senator Dominguez, of Chiapas, and demanding safeguard of their own lives by Huerta and still incarcerated on November 13, 1913:

1. Sr. Guillermo Krauss.
2. Sr. Miguel Santa Cruz.
3. Sr. Próspero A. Blanco.
4. Sr. Miguel Campuzano.
5. Sr. Roberto M. Contreras.
6. Sr. Salvador Rodríguez.
7. Sr. Juan Palomares González.
8. Sr. Mónico Rangel.
9. Sr. Rosalío Anguiano.
10. Sr. Manuel S. Núñez.
11. Sr. Alberto Craviotto.
12. Sr. Francisco Lazcano.
13. Sr. Juan Urda Avendaño.
14. Sr. J. Luz Peña.
15. Sr. Salomé Torres.
16. Sr. Santos Ramírez.
17. Sr. Maximiano Galeana.
18. Sr. Germán Malpica.
19. Sr. Elías Sedano.
20. Sr. Severino Reyes.
21. Sr. Juan Rosas.
22. Sr. José Antero García.
23. Sr. Fernando Erquiaga.
24. Sr. Tadeo Gómez.
25. Sr. Antonio Rodríguez Ortiz.
26. Sr. Ponciano Ramírez.
27. Sr. Rómulo Carpio.
28. Sr. Miguel Millán.
29. Sr. David Vallejo.
30. Sr. Antolín Mendizábal.
31. Sr. Angel Loera.
32. Sr. José Loera.
33. Sr. Florentino I. López.
34. Sr. Juan Barrera.
35. Sr. Nazario Arredondo.
36. Sr. Teodomiro Hernández.
37. Sr. Manuel Cabrera.
38. Sr. Téofilo Velázquez.
39. Sr. Pablo Bello.
40. Sr. Ignacio García.
41. Sr. Manuel Antonio.
42. Sr. Federico Oliveros.
43. Sr. Faustino González.
44. Sr. Jesús Santillán.
45. Sr. Martín Santiago.
46. Sr. Nicolás Basilio.
47. Sr. Francisco Tolentino.
48. Sr. Guadalupe Mendoza.
49. Sr. Manuel Chávez.
50. Sr. Ramón Pacheco.
51. Sr. Modesto Pacheco.
52. Sr. Vincente Canales.
53. Sr. Rafael Pacheco.
54. Sr. Pedro Baños.
55. Sr. Jesús Baños.
56. Sr. Manuel Martínez, 1st.
57. Sr. Manuel Martínez, 2d.
58. Sr. Arcadio Martínez.
59. Sr. José Soto.
60. Sr. Juan San Agustín.
61. Sr. Manual San Agustín.
62. Sr. Rosario Huerta.
63. Sr. Librado Heredia.
64. Sr. J. Angel González.
65. Sr. Dionisio Carrión.
66. Sr. Alfonso Castañeda.
67. Sr. Adolfo Osorno.
68. Sr. Miguel M. Torres.
69. Sr. Liborio Torres.
70. Sr. Francisco Pineda Rubén.
71. Sr. Francisco Lu (Chino, inválido de una pierna).
72. Sr. Jesús Pulido Cávares (inválido de las dos piernas).
73. Sr. Gabriel Martínez.
74. Sr. Angel Silva.
75. Sr. Cosme Dávila.
76. Sr. Margarito Ralderas.
77. Sr. Fausto Herrero.
78. Sr. Salvador Acosta.

Many of these men were still in the penitentiary when the United States seized Vera Cruz, April 20, 1914.

By Title I, section 3, foreigners have the same guaranties of life, liberty, and the possession of property. Yet large numbers of foreigners have been killed without any adjustment or diplomatic settlement being made, and hundreds of millions of property belonging to foreigners have been impaired, destroyed, or taken without compensation.

All nations should be patient with another nation torn by civil strife, and where the constituted authorities are doing what they can to establish order and justice; but Huerta's own evil conduct is the cause of these disorders in Mexico.

The constitution of Mexico divides the powers of government into legislative, executive, and judicial, yet Huerta, on the 10th of October, 1913, destroyed the legislative branch and threw the Congress in the penitentiary by military force, invested himself by decree with legislative power and with judicial power, in open and flagrant violation of the constitution which he had sworn to support.

Mr. President, Mexico is upon our immediate borders; our boundary line touches Mexico for near 2,000 miles.

Upon the invitation of the constitution of Mexico, very many thousands of our citizens, who are entitled to the protection of this Government, entered Mexico and invested hundreds of millions of property. Their property has been despoiled, their lives have been taken without redress, and now they are all fleeing or fled from Mexico for the purpose of saving life itself and we, responsible to them and for them before the whole world, with abundant power to protect them, stand face to face with a military despot whose conduct has made their flight imperative, but whose conduct against them and against us is a mild offense compared to his crime against the common people of Mexico, whose Government, such as it was, he overthrew by military force and usurped on the 18th of February, 1913.

We all remember, Mr. President, his boastful telegram to President Taft, February 19, 1913, that he had overthrown the Mexican Government.

Huerta has been trying to unite behind himself all the revolutionary forces of Mexico, and in order to accomplish that he has been trying to force the United States to an invasion of Mexico. He was openly charged with this on the floor of the Mexican Senate by Senator Dominguez, senator from Chiapas, on the 23d of September, 1913. He wished to cause intervention in a form sufficiently mild that he could use the invasion as an appeal to the patriotism of the Mexican military leaders of all revolutionary factions and secure their cooperation without having intervention go so far as to capture Mexico City and compel a restoration of order and the reestablishment of the power of the common people of Mexico in the exercise of their acknowledged constitutional sovereignty. He would, however, much prefer being a prisoner of the United States than being prisoner of Villa or Zapata, both of whom have sworn his death for treason.

Mr. President, the United States would be justified in intervening for the purpose of protecting the rights of life and property of American citizens in Mexico. The United States would be justified in protecting the rights of Englishmen, Germans, Frenchmen, and Spaniards, whose Governments look to us for their protection. The United States would be justified, in order to end the bloody fratricidal strife and restore order and peace and constitutional government on our border.

Mr. President, the United States has borne repeated injuries week after week, month after month, and year after year, awaiting diplomatic adjustment, until at last, in lieu of adjusting these immediate grievances which are of record in our Department of State and which I shall not pause to enumerate as they would fill a volume of themselves, it finally comes to the point where Huerta, with growing indifference and contempt for the rights of the American people, and in view of saving his own life by forced American intervention, permits—if he did not instigate—an international insult to the flag and uniform of the United States, and then refused redress under the rules of international law.

The world should understand that while the United States regards the insult to its flag and uniform with great gravity and is justified in demanding proper amends for this open affront and indignity before the eyes of the world, nevertheless beyond the flag incident is a long series of grievances which the United States has been trying in vain to adjust by diplomatic process. And the world should understand further that the killing of our citizens in Mexico, the destruction of the property of our citizens in Mexico, the killing of Germans and Englishmen and Spaniards in Mexico, and the destruction of their property, for whose adjustment the United States is held morally responsible and for which the United States has anxiously desired a settlement as the nearest friend of the people of Mexico, are all factors in determining the attitude of the people of the United States.

The world should remember that this multitude of individual grievances, which has been impossible of adjustment, is due to an unstable condition of government in Mexico; that the unhappy people of Mexico, judged by their own constitution, have no government; that all constitutional guaranties in the country under the military control of Huerta have been overthrown; that the constitution of Mexico has been trampled in the dust by military power, by treason, by murder; and that the instances of which we complain—of the murder of our citizens and of the citizens of other nations and the destruction of their property—will be indefinitely continued until a stable form of government is established in Mexico. The whole civilized world has a right to complain at the ruinous slavery imposed upon the people of Mexico by the monopolies which have invaded Mexico in defiance of the constitution of Mexico—monopolies in land, minerals, timber, water powers, government supplies, down to monopolies in gambling and female prostitution—

granted to a favored few who by bribery and corruption have secured these favors from the dishonest officials who have misgoverned Mexico under the form of a Republic but in sober truth as a commercialized military oligarchy during the last 40 years.

This criminal oligarchy has not been content with establishing a monopoly of all the opportunities of making a living by the labor of men; it has not been content with the commercial slavery of the people of Mexico and reducing them to peonage, but through the commercial and financial power they have established a corrupt political monopoly of the governing powers which they have concentrated in Mexico City. The power of the sovereign States of Mexico has been invaded, so that Huerta, as the President of Mexico, has not hesitated to set aside governors elected by the people and in their places put military governors; and while Title III declares the supreme power of the federation as divided for its exercise into legislative, executive, and judicial, and that never can two or more of these powers be united in one person or corporation, nor the legislative power be vested in one individual, Huerta, by his own decree of October 10, 1913, vested in his one person legislative, executive, and judicial power in flat violation of the constitution of the people of Mexico.

Mr. President, the real basis of all the difficulties in Mexico is the stealing from the people of Mexico their constitutional rights and retaining the stolen goods by military force. The real difficulty in Mexico is the usurpation of the power of the common people of Mexico by a military oligarchy, pretending to represent the people. Under such conditions there is the absolute certainty that no change from one dictator to another dictator will provide any true remedy so long as the head of this military group, whether Porfirio Diaz, De la Barra, Madero, Lascurain (who was President for a few minutes), or Huerta or the next successful general belonging to Huerta's group who arrests him and puts him to death, will cure the evil in Mexico. The real remedy required in Mexico is to restore to the hands of the people of Mexico their right of self-government, to demand a secret, honest election system, decentralization of power, restoration to the several States of Mexico of the right to manage their own business in their own way under the constitution of Mexico. A constitutional convention is necessary in Mexico to decentralize its powers and to enable the people to exercise safeguarded self-government and to abolish by law the monopolies which have reduced to abject poverty 15,000,000 Mexicans and given stupendous wealth to a few thousand families in Mexico.

I have the faith to believe that the people of Mexico will pass the proper laws for their own protection and for the overthrow of monopoly if they are given an opportunity and that they will establish laws based upon economic and political justice, just as the people of France did.

It was the fishwomen of France, it was the peasantry of France, it was the uneducated, unlearned, common herd in France, despised by the nobility of France, who sang the Marseillaise in the streets of Paris, and who deposed Louis and Marie Antoinette and established in France a Government that recognized the great principles of the French Revolution—liberty, equality, fraternity; and the same spirit is in Mexico now. These people are willing to lay down their lives for liberty, and they are sacrificing their lives wholesale, and they must not be despised,

I know that there have been those who, observing the military despotism that has been parading in Mexico as a Republic, insist that the people of that country are ignorant and unpatriotic, but I have no fears for the people of Mexico. But, Mr. President, I remind you and I remind the Senate that this commercialized military oligarchy made every effort to establish an alliance with Japan at a time when we were having difficulty with Japan over the California case. Such an alliance would bring in its train the most serious consequences for the United States. To permit on our borders such an irresponsible Government as that of Huerta, controlled merely by corrupt avarice and ambition, carries with it danger to the welfare of the people of the United States far greater than the danger involved in now throwing Huerta out of power in Mexico. Have we forgotten his invitation to the officers of the Japanese vessel *Idzuma*, his week of feasting and ostentatious demonstration of excessive affection for the Japanese, at a time when he was stirring the passion and prejudice of the populace of Mexico against the American people?

When the people of Mexico really govern Mexico, under constitutional safeguards, just as our people in the 48 States govern their affairs, there will be no danger whatever from the Mexican Government. They will be our friends, knowing that we are in truth the friends of the Mexican people. Moreover, in intervening in Mexico for the establishment of peace, for the pacification of that unhappy country, for the restoration of order, for the reestablishment of liberty and for that purpose alone; when we declare to the people of the whole world that we have no desire to acquire any part of the territory of Mexico, that we do not wish to govern them, but only wish that they shall have the right in peace, in honor, in dignity, to govern themselves, by choosing their own officials in safeguarded, honest elections, we will do more than make a lasting friend of the people of Mexico; we will give the most satisfying assurances to all of the South American Republics of the uprightness of our purposes. We will thus assure every country on the Western Hemisphere that we are moved alone by purposes of unselfish humanity; we will set the standard before the whole world of a high purpose to maintain the right of life, liberty, and the pursuit of happiness, and to promote the great principle of the brotherhood of man.

Our great Republic is founded on the ideal of human liberty, on the idea of freedom.

Over the magnificent entrance of Union Station in our Capital, where tens of thousands pass, is inscribed in granite this noble sentiment:

> Sweetener of hut and of hall,
> Bringer of life out of naught,
> Freedom, oh! fairest of all
> The daughters of time and of thought.

On our gold and silver coins, from 1795 to this day, we have stamped the word "liberty," and the Goddess of Liberty and the liberty cap and the crowned head of Liberty. Our Constitution bristles with it, and every State and every county and every city and every town and every village and church and every school and home teaches it as the foundation of human safety and happiness and progress. It is the ideal of the Western Hemisphere. On all the coins of the Argentine Republic, of Chile, of Colombia, of Ecuador, of Peru, of Uruguay, of Venezuela, of Bolivia, of Honduras and Guatemala, and Mexico "liberty," in some form, is stamped upon the coins and carried in the pockets of the common people and is cherished in their hearts as the highest ideal of the great Western Hemisphere.

Brazil freed her slaves without bloodshed before 1860 because of the love of her people for liberty.

The people of the Argentine Republic and of Chile erected a statue of Christ, the Prince of Peace, on their joint border line as a lasting memorial of the peace and brotherhood of the people of the two Republics. This statue, unveiled March 13, 1904, was cast out of bronze from old cannon belonging to the two countries.

The great liberty bell that sounded the cry of liberty on July 4, 1776, cast in London in 1752 and recast in 1753 in Philadelphia, bears the prophetic words: "Proclaim liberty throughout all the land to all the inhabitants thereof."

A hundred years later, in 1886, the people of France, who love liberty and who established liberty in France by the French Revolution, presented to the people of the United States the magnificent statue of "Liberty enlightening the world," which our people erected on a giant granite pedestal, where it holds out at the entrance of New York Harbor a blazing torch over 300 feet high, where all the world shall see and do honor to "liberty."

Mr. President, the ideals of all the Western Hemisphere have been torn down by Huerta and the corrupt commercial forces behind him which created him and of which he is a mere instrumentality. He symbolizes corrupt commercialism, monopoly, concessions unearned, using the property and powers of the common people not for their betterment but to their ruin and the death of liberty.

The conditions in Mexico are absolutely unendurable. Our national principles and our national safety are endangered. The welfare of all the North and South American countries would be jeopardized unless liberty and freedom shall be restored to the people of Mexico under constitutional safeguards.

The long triumph of bribery and corruption and military force over the judicial, the legislative, and the executive powers of the unhappy people of Mexico has finally led directly to open treason and the overthrow of even the forms of constitutional government and has led to the establishment of an irresponsible military oligarchy and despotism. Men of great intelligence have been led by avarice and greed and ambition through corrupt processes to monopolize and commercialize the political powers of the people of Mexico through a group of unwise and short-sighted Mexican leaders who have been willing to see the governing powers of the people of Mexico fraudulently controlled and the great values of the lands of Mexico diverted to private hands through monopoly.

Military despotism is now in control of Mexico, with all constitutional guaranties overthrown.

If military revolution is permitted by treason and murder to usurp the governing powers of the people of Mexico, if freedom is thus destroyed by monopoly in Mexico, if liberty is thus slain before our very eyes that avarice and greed may rule the land through a military despotism, overthrowing the civil law, then, Mr. President, the whole of America is in peril.

Powers similar to and to some extent the same that have corrupted Mexico and destroyed constitutional government are busy in Colombia, in Venezuela, and in some of the other Republics of North and South America, and the establishment of a military, commercial despotism in Mexico, if successful, would constitute a precedent, the danger of which should not be ignored.

I congratulate the world that neither the United States, nor Argentina, nor Brazil, nor Chile recognize the military despot who, by treason, seized the governing power of the people of Mexico and by fraud has retained it.

It is well known that the Government of Porfirio Diaz was a military despotism under the color of a Republic, yet, in the main, was conducted apparently with a view to developing the resources of Mexico and of protecting life, at least where submission was rendered to his Government.

Finally, the conditions developed by Porfirio Diaz in establishing innumerable monopolies throughout Mexico by concession of various kinds led to a state of unrest and a dangerous revolutionary sentiment that made it necessary for him to leave Mexico and live in Europe. His conduct was practical flight from imminent danger of revolutionary assassination.

He left his successor ad interim—De la Barra—and Madero was elected as an avowed progressive candidate, professing, at least, the patriotic purpose of reform. He was elected through the defective electoral machinery of Mexico, but his weak Government was soon overthrown by the old commercial oligarchy and its secret allies and sympathizers by mutiny and conspiracy.

On February 9, 1913, at 7 o'clock in the morning, Felix Diaz, who had procured a mutiny among the troops of Madero, escaped, by collusion, from the penitentiary and immediately organized an assault on Madero's Government, with the cooperation of several thousand of Madero's troops. Gen. Huerta was in charge of Madero's troops at the palace, and Gen. Blanquet, at present the right-hand man of Gen. Huerta, was next in importance of Madero's generals. The loyalty of both Huerta and Blanquet was already questioned.

De la Barra and Huerta were, on February 10, already in consultation for the purpose of effecting some arrangement, and Diaz was quoted on February 10 as hoping for a good issue from the negotiations being carried on with Gen. Huerta. Blanquet's troops deserted to Diaz. Huerta carried on warfare with Diaz by day and was having secret conferences with his representatives by night.

Finally, on February 17, Huerta stated that the plans were fully matured to remove Madero. Blanquet's guns were turned toward Chapultepec. Blanquet's troops were put in charge of the national palace, and the troops friendly to Madero were put outside of the palace by Huerta, Madero's commanding general.

On February 18, at 2 p. m., Huerta, the sworn commander of Madero's troops, had Blanquet arrest his chief, the elected President of the Republic, Madero, and the Vice President, Suarez, and the entire Cabinet. At the same time Gustavo Madero, the brother of the President, was arrested and immediately afterwards killed.

On February 15, Pedro Lascurain, secretary of foreign relations, appeared in the hall of the committees of the Chamber of Deputies of the Congress of Mexico and falsely represented that the American ambassador had expressed his positive opinion that 3,000 United States marines would immediately come to the City of Mexico to protect the lives and interests of Americans as well as other foreigners residing there.

This was done in order to force Madero's resignation, but Madero refused to resign. The following action was taken in the Mexican Senate:

(Appendix No. 1.)

SPECIAL SESSION HELD FEBRUARY 15, 1913, IN THE HALL OF COMMITTEES OF THE CHAMBER OF DEPUTIES, SENATOR JUAN C. FERNANDEZ, PRESIDING.

* * * Upon the reading of the inserted dispatch being finished, Mr. Pedro Lascurain, secretary of foreign relations, appeared and was granted the floor for the purpose of reporting. Mr. Lascurain stated that the international situation of Mexico was extremely critical with respect to the United States of America, for telegrams have been received from Washington conveying the decision of that Government, already being carried out, to send warships to Mexico territorial waters of the Gulf and of the Pacific, and transports with landing troops. The secretary of foreign relations added that, at 1 o'clock a. m. today, the United States ambassador had convened in the quarters of the embassy some members of the diplomatic corps to whom he made known the impending arrival of the ships, and his firm and positive opinion that 3,000 marines would come to the City of Mexico in order to protect the lives and interests of Americans as well as of other foreigners residing therein.

JUAN C. FERNANDEZ, *Presiding Senator.*
RICARDO R. GUZMAN, *Senator and Secretary.*
JOSE CASTELLOT, *Senator and Secretary.*

MEXICO, *February 15, 1913.*

When Huerta arrested the President of Mexico, Madero, he immediately gave out a notice to the Mexican people that he had assumed the executive power, and that he was holding under arrest "Mr. Francisco I. Madero and his Cabinet," as follows:

NOTICE.

In view of the most difficult circumstances through which the nation is passing, and particularly in recent days, the capital of the Republic, which, through the work of the defective government of Mr. Madero, may well be characterized as being in an almost anarchical situation, I have assumed the executive power and, pending the immediate convening of the Chambers of the Union, in order to pass upon this present political situation, I am holding under arrest in the National Palace Mr. Francisco I. Madero and his Cabinet, in order that as soon as this point is decided and in an effort to reconcile people's minds during the present historical moments we may all work in behalf of peace, which is a matter of life or death to the entire nation.

Given in the palace of the Executive, on February 18, 1913.

V. HUERTA,
Military Commanding General
in charge of the Executive Power.

At 9.30, February 18, Huerta and Felix Diaz met at the American Embassy, where the American ambassador cooperated in having them reach an understanding to work together, upon the basis that Huerta should be the provisional President of the Republic, and that Diaz should name the Cabinet, and that thereafter Diaz should have the support of Huerta in being elected as the permanent President. Their agreement was reduced to writing, as follows:

In the City of Mexico, at 9.30 p. m., of February 18, 1913, Gens. Felix Diaz and Victoriano Huerta met together, the former being assisted by Attorneys Fidencio Hernandez and Rodolfo Reyes and the latter by Lieut. Col. Joaquin Maas and Engineer Enrique Zepeda; and Gen. Huerta stated that, inasmuch as the situation of Mr. Madero's government was unsustainable, and in order to avoid further bloodshed and out of feelings of national fraternity, he had made prisoners of said gentleman, his cabinet, and other persons, and that he wished to express his good wishes to Gen. Diaz to the effect that the elements represented by him might fraternize and, all united, save the present distressful situation. Gen. Diaz stated that his movements had had no other object than to serve the national welfare, and that accordingly he was ready to make any sacrifice which might redound to the benefit of the country.

After discussions had taken place on the subject among all those present, as mentioned above, the following was agreed upon:

First. From this time on the executive power which held sway is deemed not to exist and is not recognized, the elements represented by Gens. Diaz and Huerta pledging themselves to prevent by all means any attempt to restore said power.

Second. Endeavor will be made as soon as possible to adjust the existing situation under the best possible legal conditions, and Gens. Diaz and Huerta will make every effort to the end that the latter may within 72 hours assume the provisional presidency of the Republic, with the following cabinet:

Foreign relations: Lic. Francisco L. de la Barra.
Treasury: Toribio Esquival Obregon.
War: Gen. Manuel Mondragon.
Fomento: Eng. Alberto Garcia Granados.
Justice: Lic. Rodolfo Reyes.
Public instruction: Lic. J. Vera Estañol.
Communications: Eng. David de la Fuente.

There shall be created a new ministry, to be charged specially with solving the agrarian problem and matters connected therewith, being called the ministry of agriculture, and the portfolio thereof being intrusted to Lic. Manuel Garza Adalpe. Any modifications which may for any reason be decided upon in this cabinet slate shall take place in the same manner in which the slate itself was made up.

Third. While the legal situation is being determined and settled Gens. Huerta and Diaz are placed in charge of all elements and authorities of every kind, the exercise whereof may be necessary in order to afford guaranties.

Fourth. Gen. Felix Diaz declines the offer to form part of the provisional cabinet in case Gen. Huerta assumes the provisional presidency, in order that he may remain at liberty to undertake his work along the lines of his compromises with his party at the coming election, which purpose he wishes to express clearly and which is fully understood by the signers.

Fifth. Official notice shall immediately be given to the foreign representatives, it being confined to stating to them that the executive power has ceased; that provision is being made for a legal substitute therefor; that meantime the full authority thereof is vested in Gens. Diaz and Huerta; and that all proper guaranties will be afforded to their respective countrymen.

Sixth. All revolutionists shall at once be invited to cease their hostile movements, endeavor being made to reach the necessary settlements.

Gen. VICTORIANO HUERTA.
Gen. FELIX DIAZ.

As soon as this agreement was reached, Huerta and Diaz issued the following joint proclamation:

[From Mexican Herald.]

JOINT PROCLAMATION.

To the Mexican people:

The unendurable and distressing situation through which the capital of the Republic has passed obliged the army, represented by the undersigned, to unite in a sentiment of fraternity to achieve the salvation of the country. In consequence the nation may be at rest; all liberties compatible with order are assured under the responsibility of the undersigned chiefs, who at once assumed command and

administration in so far as is necessary to afford full guarantees to nationals and foreigners, promising that within 72 hours the legal situation will have been duly organized. The army invites the people, on whom it relies, to continue in the noble attitude of respect and moderation which it has hitherto observed; it also invites all revolutionary factions to unite for the consolidation of national peace.

Mexico, February 18, 1913.

V. HUERTA.
FELIX DIAZ.

The legislature of the sovereign State of Coahuila, on February 19, the very next day, denounced Huerta's usurpation and directed Gov. Carranza to use the armed forces of the State in supporting Madero as the constitutional President.

On March 24 the Legislature of Sonora denounced the usurpation of Huerta, and thereafter in succession 10 of the elected governors of the States of Mexico joined the revolution. It is interesting to observe what became of the various governors of the various States of Mexico under Huerta's usurpation. The following 10 governors were replaced by military governors and all joined the revolution:

Gov. Felipe Riveros, of Sinaloa; Gov. Venus Tiano Carranza, of Coahuila; Gov. Jose M. Maytorena, of Sonora; Gov. Alberto Fuentes, of the State of Aguascalientes; Gov. Miguel Silva, of Michoacan; Gov. Ramon Rosales, of the State of Hidalgo; Gov. Inocecio Lugo, of the State of Guerrero; Gov. J. Castillo Brito, of the State of Campeche; Gov. A. Camara Vales, of the State of Yucatan; Gov. Matias Guera, of the State of Tamaulipas. Abraham Gonzalez, governor of Chihuahua, was murdered by Rabago, a major general under Huerta, by tying the governor on the railroad track and slowly backing a yard engine over him to give him a proper realization of the horror of death. Gov. De la Barra went abroad to Paris, France; and Gov. Rafael Zapeda, of the State of San Luis Potosi, and Gov. Trinidad Alamillo, of the State of Colima, and Gov. Patricio Leyva, of the State of Morelos, were thrown in prison. Gov. Bibiano Villareal, of Nueva Leon, fled the country and went to New York. Gov. Carlos Potani, of the State of Durango, fled the country and went to San Antonio, Tex. Six of the other governors went to Mexico City, and the governor of Puebla and Tlaxcala and Queretaro were the only ones who remained at home out of 28 governors elected by the people.

On February 19, 1913, under the duress of the fear of death and on the promise of the safeguard of their lives, the President and Vice President of Mexico signed the following resignation:

In view of the events which have occurred since yesterday in the nation and for its greater tranquillity, we formally resign our positions of President and Vice President, respectively, to which we were elected. We protest whatever may be necessary.

FRANCISCO I. MADERO.
JOSE M. PINO SUAREZ.

MEXICO CITY, *February 19, 1913.*

I am informed that this resignation was obtained from President Madero and Vice President Suarez under the fear of instant death, but was signed by them upon the agreed condition that it should be held by the minister from Chile, a friend of Madero, in escro, until President Madero and Vice President Suarez could find safe asylum on a foreign warship. The agreement was broken, the resignation used as a basis of having Lascurain, minister of foreign relations under Madero, proclaimed provisional President. He took the oath of office and did not appoint a secretary of foreign relations, but he did appoint Victoriano Huerta secretary of gobernacion. Huerta took the oath as secretary of gobernacion, and Lascurain immediately resigned as provisional President, thus devolving the presidency upon Huerta as next in line, and he took the oath of office before Congress as President of the Republic. These simultaneous acts, of course—the resignations of the President and Vice President, procured by military force and duress, the resignation of Lascurain under the same force—can not be regarded as a legitimate conduct of public affairs, the entire procedure being void, as treason against the people of Mexico, punishable with death under the constitution and laws of Mexico.

On Saturday, February 22—Washington's Birthday—Huerta, as President, had the deposed President Madero and Vice President Suarez transferred from the national palace, not to a warship, where they might escape with their lives, but to the penitentiary in Mexico City. At 10 o'clock Huerta is alleged to have changed the commandante of the penitentiary, and at 11 o'clock Madero and Suarez were killed.

On February 24, 1913, the new minister of foreign relations, De la Barra, made a report to the members of the diplomatic corps, giving an account of the death of President Madero and Vice President Suarez, and promising the fullest judicial investigation, and that minutes of all proceedings should be furnished the diplomatic representatives of the foreign powers, it being commonly believed that Huerta had had these men assassinated, as was afterwards openly charged against Huerta on September 23, 1913, in the Mexican Senate by Senator Dominguez, of Chiapas.

The minutes of the judicial investigation have never been furnished, and the United States has no adequate official information except the statement of Huerta made to De la Barra and Señor Garcia, 11.30 Saturday night, that as Madero and Suarez were being conveyed in an automobile to the penitentiary they were killed in an exchange of shots between the escort in whose custody they were held and a group of individuals unknown who had attempted to rescue them.

Huerta had assured Madero and Suarez their safety before using their resignations. He was responsible for their safeguard. Huerta was also fully advised, because Madero's mother and Suarez's wife had gone to Ambassador Wilson and prayed him to intercede with Huerta to spare the life of Madero and Suarez and to allow them to go to Europe, stating "that this was the expressed condition attached to their resignation," and Ambassador Wilson made the appeal to Huerta.

I am informed that De la Barra advised Huerta that unless he were satisfied the murder of Madero was not at the connivance of the Government he would immediately resign with two of his colleagues.

It is interesting to see what became of this cabinet, arranged in the pact between Huerta and Diaz and whose members had been named by Diaz.

Of this cabinet named by Felix Diaz under the pact, the secretary of foreign affairs, De la Barra, is in France; the secretary of finance, Obregon, is a general in the Constitutional Army making war on Huerta, and recently refused to consider cooperating with the Federal troops against the United States; Rudolph Reyes, of the department of justice, has been killed; the secretary of public instruction, Estannol, has fled to the United States; the secretary of communications, De la Fuente, has gone abroad; the minister of agriculture, Alvarpe, has resigned; and the secretary of fomento, Alberto Gill; the secretary of interior, Alberto Glenodes, are out of the cabinet and gone.

Felix Diaz, who made the pact with Huerta, fled from Mexico for fear of assassination by Huerta's orders.

The American ambassador, Wilson, made a strenuous effort to have Huerta recognized. As dean of the diplomatic corps, he made a speech of congratulation to Huerta upon his accession to the presidency. He urged our State Department to recognize Huerta. He instructed all American consuls to do everything possible to bring about a general acceptance of Huerta, and advised them that Huerta would be immediately recognized by all foreign Governments. On February 24 Ambassador Wilson advised the Government that the Madero incident had produced no effect upon the public mind and that Consul Holland had telegraphed that Huerta's government refused to accept the adhesion of Gov. Carranza, of Coahuila; was sending troops against him, and that Carranza had evacuated his capital. When the secretary of the British legation expressed the opinion that his Government would not recognize Huerta on account of the murder of Madero, Ambassador Wilson expressed the opinion that it would be a great error, endangering Huerta's government, upon the safety of which all foreigners depended. Our ambassador expressed the opinion that Huerta's government was not privy to the murder of Madero and Suarez, and that either the occurrence was as stated or that the death of Madero and Suarez was due to a subordinate military conspiracy, and he was of the opinion also that the murder of Madero and Suarez, as two Mexicans relegated to private life by their resignations, should arouse no greater expressions of popular disapproval in the United States than the murder, unrequited by justice, of some 75 or 80 Americans in Mexico during the preceding two years.

Our ambassador ceased to be an acceptable medium of communication between President Wilson and the authorities of Mexico, and for this reason his resignation was accepted.

Huerta's usurpation of the governing powers of the people of Mexico, his military revolution, overthrowing the President and Vice President of Mexico and bringing about the immediate death of these officers elected by the Mexican people, was not approved by a large part of the people of Mexico, who, however, were, for the most part, intimidated by the military power of Huerta and by the bloodthirsty disposition shown by him and by his military clique. Huerta is the product of his environment. He had, since his boyhood, been the witness of the killing by military order of citizens who proved obnoxious to the government of Porfirio Diaz. I have no doubt that Huerta regards such conduct as entirely justifiable. There are those in the United States in sympathy with Huerta and his military commercial despotism controlling Mexico, who say

that no other kind of government is possible in Mexico except a military despotism.

Against this cruel, unwise, unjust conception I enter my solemn protest, and I declare it to be my profound belief that the people of Mexico are, in the main, an industrious, worthy, honest, good-hearted people, who would like to be at peace with the world, and who would rejoice in a stable government under constitutional guaranties, and that they have abundant intelligence to carry it out if they can be freed from the despotism now in control of their government.

No man, who has observed the sacrifices which are being made by the people of Mexico in trying to restore constitutional government, should deny their attachment to liberty and the constitutional law.

No man, who looks at the record of the elected governors of the States of Mexico, who might have bought their peace by subserviency of Huerta, who witnessed the brave and upright conduct of the Mexican congressmen imprisoned by Huerta, the brave conduct of Senator Dominguez in speaking the truth at the cost of life and the enormous sacrifices now being made by the Mexicans on the field of battle, should doubt the attitude of the people of Mexico. The people of Mexico have in them the Divine spark, they have been taught the Christian virtues and they have the same natural affections and passions as other people of like blood. They have had no fair chance.

Mr. President, the governors of Mexico were not the only ones to express their hostility to the active usurpation by Huerta. Various members of Congress in Mexico expressed their disapproval of Huerta's conduct, and representing, as they did, the people of Mexico, and even more particularly those who were the beneficiaries of the monopolistic system of Mexico, nevertheless showed were not willing to have the constitutional guaranties overthrown. The cruelty and unlawful violence of the government of Huerta was shown by the methods pursued against them. A few instances of which I think should be enumerated.

For instance, a member of Congress, Serapia Arendon, having expressed his lack of sympathy with the Huerta régime, was warned in several ways that his life was in great jeopardy, and on the night of the 22d of August, 1913, he was suddenly seized, rushed in an automobile to the Thanepantla Barracks, where some shots were heard, and he has never been seen since.

The condition being intolerable, a member of the Senate of Mexico, Senator Belisario Dominguez, representing the State of Chiapas, finally made up his mind to do his duty by denouncing this usurpation and treason, knowing that it would cost him his life. It is reported that he made his will, bade his family farewell, and on the 23d of September delivered in writing a speech in the Senate of Mexico. The president of the Senate refused to allow his speech to be delivered, but could not prevent its being made a part of the record.

I shall read that speech:

Sept. 23, 1913. Address of Belisario Dominguez, Senator from the Sovereign State of Chiapas to the Senate of the Republic of Mexico.

Mr. President of the Senate: The matter being of urgent interest for the welfare of the country, I am compelled to set aside the usual formulas and to ask you please to begin this session by taking cognizance of this sheet and making it known at once to the honorable members of the Senate.

Gentlemen: You all have read with deep interest the message presented by Don Victoriano Huerta to the Congress of the Union on the 16th instant.

There is no doubt, gentlemen, that you as well as myself felt indignant in the face of the accumulation of falsities contained in that document. Whom does that message aim to deceive, gentlemen? The Congress of the Union? No, gentlemen; all its members are cultured persons who take an interest in politics, who are in touch with events in this country, and who can not be deceived on the subject. Is it the Mexican Nation that is to be deceived? Is it this noble country which, trusting in your honesty, has placed in your hands her most sacred interests? What must the National Assembly do in this case? It must respond promptly to the trust and confidence of the nation which has honored this body with her representation, and it must let her know the truth and so prevent her falling into the abyss which is opening at her feet.

The truth is this: During the reign of Don Victoriano Huerta not only has nothing been done in favor of the pacification of the country, but the present condition of the Mexican Republic is infinitely worse than ever before. The revolution is spreading everywhere. Many nations, formerly good friends of Mexico, now refuse to recognize this Government, since it is an illegal one. Our coin is depreciated, our credit in the throes of agony. The whole press of the Republic, either muzzled or shamelessly sold to the Government, systematically conceals the truth. Our fields are abandoned. Many towns have been destroyed, and, lastly, famine and misery in all its forms threaten to spread throughout our unhappy country. What is the cause of such a wretched situation?

First, and above anything else, this condition is due to the fact that the Mexican people can not submit and yield to and accept as President of the Republic the soldier who snatched the power by means of a treason and whose first act on rising to the Presidency was to assassinate in the most cowardly manner the President and Vice President legally consecrated by the popular vote, and the first of these two men, he who promoted and gave position to Don Victoriano Huerta and covered him with honors, was the man to whom Victoriano Huerta publicly swore loyalty and faithfulness.

In the second place, this situation is the result of the means adopted by Don Victoriano Huerta and which he has been employing in order to obtain the pacification of the country. You know what these means are; nothing but extermination, death for all the men, all the families, all the towns which do not sympathize with his Government.

Peace will be made at any cost whatever, said Don Victoriano Huerta. Have you studied, gentlemen, the terrible meaning of these words of the egotistical, ferocious man, Don Victoriano Huerta? They mean that he is ready to shed all the Mexican blood, to cover with corpses the whole surface of the national territory, to convert our country into one immense ruin, so that he may not leave the presidential chair, nor shed a single drop of his own blood.

In his insane anxiety to keep the post of President—

I ask the Senate to listen to this—

In his insane anxiety to keep the post of President, Victoriano Huerta is committing a new infamy. He is provoking an international conflict with the United States of America.

Where was that said? On the floor of the Mexican senate, by a Mexican senator who had made his will, had made his peace with God, had bid farewell to his family, knowing that he would go to his immediate death.

The Senate of the United States wants to observe these words and hear where they come from—from the senator from Chiapas, Belisario Dominguez, who was immediately killed, who knew that he would be killed, and who was willing to die to have the right to speak the truth in the cause of humanity, and of justice, and of Mexico.

In his insane anxiety to keep the post of President Victoriano Huerta is committing a new infamy. He is provoking an international conflict with the United States of America, a conflict, in which, if it is to be solved by fighting, all surviving Mexicans would participate, giving stoically the last drop of their blood, giving their lives—all save Don Victoriano Huerta and Don Aureliano Blanquet; because these disgraced ones are stained with the blot of treason, and the nation and the army will repudiate them when the time comes.

It seems as if our ruin were unavoidable, for Don Victoriano Huerta has taken hold of power in such a way, in order to insure the triumph of his candidacy to the Presidency of the Republic in the elections to be held October 26, that he has not hesitated to violate the sovereignty of the greater part of the States, deposing the legally elected constitutional governors and supplanting them with military governors who will take good care to cheat the people by means of ridiculous and criminal farces.

And so they did cheat the people by elections that were criminal under the order of Huerta, an order which I shall presently read into the RECORD.

However, gentlemen, a supreme effort might save everything. Let the national assembly fulfill its duty and the nation is saved, and she will rise up and become greater, stronger, more beautiful than ever.

The national assembly has the duty of deposing Don Victoriano Huerta from the Presidency. He is the one against whom our brothers, up in arms in the North, protest, and, consequently, he is the one least able to carry out the pacification which is the supreme desire of all Mexicans.

You will tell me, gentlemen, that the attempt is dangerous; for Don Victoriano Huerta is a bloodthirsty and ferocious soldier who assassinates anyone who is an obstacle to his wishes; but this should not matter, gentlemen. The country exacts from you the fulfillment of a duty, though there is the risk, the certainty, that you will lose your lives.

Is this man without patriotism? Is this man without love of country? Is this man without love of justice and righteousness in government, when he makes his appeal to the Mexican Senate? Shall we despise a people capable of such a sacrifice as this great senator who died in the performance of duty deliberately?

He said:

If, in your anxiety to see peace reigning again in the Republic, you committed a mistake and put faith in the false words of the man who promised to pacify the Republic, to-day, when you see clearly that this man is an imposter, a wicked inept who is fast pushing the nation toward ruin, will you, for fear of death, permit such a man to continue to wield power? Reflect, gentlemen, meditate, and reply to this query.

What would be said of those on a vessel who, during a violent storm on a treacherous sea, would appoint as pilot a butcher who had no nautical knowledge, who was on his first sea trip, and who had no other recommendation to the post than the fact of his having betrayed and assassinated the captain of the vessel?

Your duty is unalterable, ineludible, gentlemen, and the nation expects of you its fulfillment.

This first duty discharged, it will be easy for the National Assembly to fulfill others derived from it, asking all revolutionary chiefs to stop all active hostilities and to appoint their delegates in order that by general accord the President be elected who is to call for presidential elections, and who is to use care that these be carried out in all legality.

The world is looking on us, gentlemen, members of the National Assembly, and the nation hopes that you will honor her before the world, saving her from the shame of having as first magistrate a traitor and an assassin.

(Signed) DR. B. DOMINGUEZ.
Senator for Chiapas.

Immediately afterwards, Senator Belisario Dominguez suddenly and mysteriously disappeared and was reported to have been killed.

On October 9th, the Chamber of Deputies of the Congress of Mexico passed the following resolution:

(1) That a commission formed of three deputies be appointed for the purpose of making all necessary investigations to find out where Senator Belisario Dominguez is and that it be empowered with all

the facilities which it deems necessary for the matter in hand. (2) That the senate be invited to appoint a commission for the same object. (3) The commission of the Camara will propose what may be necessary in view of the result of the investigation. (4) That this motion be communicated to the executive so that he may impart whatever aid may be necessary to the commission or commissions, as the case may be, making known to him that the national representation places the lives of the deputies and senators under the protection of said executive who has at his disposition the necessary elements to enforce the immunity which the constitution authorizes to those functionaries. (5) That said executive be informed that in case the disappearance of another deputy or senator occurs and the national representation will be obliged to celebrate its session where it may find guarantees.

Immediately afterwards, on October 10, in the afternoon, Huerta's minister of gobernacion appeared in the chamber and demanded a reconsideration of these resolutions. The president of the Chamber of Deputies arose and adjourned the chamber, whereupon 110 deputies present were arrested by Huerta's soldiers and sent to the penitentiary. Huerta had all the exits barred and appeared in person before the Congress to enforce his demand, and his demand, in spite of his bloody character and cruel power, was not acceded to by the Mexican Congress. Huerta immediately published a decree declaring the Congress dissolved and without further power and immediately declared the judicial and legislative power vested in himself and that the constitutional guaranties against arrest of members of Congress were suspended.

These decrees were signed by him as of October 11, but were put into effect October 10, as follows:

Victoriano Huerta, constitutional President ad interim of the Mexican United States, to its inhabitants makes known that the Chamber of Deputies and Senators of the Twenty-sixth Legislature having been dissolved and inhabilitated from exercising their functions and until the people elect new magistrates who shall take over the legislative powers, and in the belief that the Government should count on all the necessary faculties to face the situation and to reestablish the constitutional order of things in the shortest possible time as is its purpose since October 26 has been set as a date for elections for deputies and senators, has seen fit to decree that articles of decree.

ARTICLE ONE. The judicial power of the federation shall continue in its functions within the limits set by the constitution of the Republic and the decree of the executive of October 10 of this month and such others as shall be issued by him.

ARTICLE TWO. The executive power of the union conserves the powers conferred upon him by the constitution and assumes furthermore the departments of gobernacion, hacienda, and war only for the time absolutely necessary for the reestablishment of the legislative power. In the meantime the executive takes upon himself the powers granted the legislative power by the constitution in the aforementioned departments and will make use of them by issuing decrees which shall be observed generally and which he may deem expedient for the public welfare.

ARTICLE THREE. The executive of the union will render an account to the legislative power of the use which he makes of the powers which he assumes by means of this decree as soon as this is in function. Wherefore, I order that this be printed, published, and given due fulfillment. Given at the National Palace of Mexico, October 11, 1913.

(Signed) V. HUERTA.

Victoriano Huerta, constitutional president ad interim of the Mexican United States, to its inhabitants makes known that in view of the fact that the Chamber of Deputies and Senators of the Congress of the union have been dissolved and inhabilitated to perform their functions, and in view of the powers which I hold in the Department of Gobernacion according to the decree of October 11 of this year, I have seen fit to decree that article 1, the constitutional exemption from arrest and judicial action which the citizens which formed the Twenty-sixth Congress of the union enjoyed in view of their functions, is hereby repealed and consequently they are subject to the jurisdiction of the tribunals corresponding to the case in the event that they are guilty of any crime or offense. Wherefore I order that this be printed, published, and duly fulfilled. Given at the National Palace in Mexico October 11, 1913.

(Signed) V. HUERTA.

On October 11 the entire diplomatic corps was received by the minister of foreign affairs, who advised them that while the act of Huerta's Government was unconstitutional, still that the Government had become impossible with the Chamber as at present constituted. The Spanish minister, at an hour after midnight, October 10, called on Nelson O'Shaughnessy, the American chargé d'affaires, and they went together and demanded guaranties of the minister of foreign affairs for the lives of the arrested Congressmen. What a spectacle before the civilized world is this midnight visit to prevent wholesale assassination! The promise was given, but only a list of 84 was presented as those in prison. What became of the 24 others arrested I do not know, but I should like to know.

On October 13 Huerta charged the members of Congress with sedition and treason, and stated that they should be tried. Huerta's secretary informed O'Shaughnessy that most of the deputies arrested had been set at liberty, but in point of fact they acknowledged having 84 of the 110 arrested in the penitentiary at midnight, October 10, and on November 13, 1913, the members of Congress whose names I have already given were recorded still in the penitentiary, and many of them were still in the penitentiary when we took Vera Cruz.

The President of the United States had refused to recognize Huerta for the reasons well known, and had been urging a new election so that the people of Mexico, even under the defective election law, might choose a successor to Huerta.

On October 10, 1913, when Huerta had put the Mexican Congress in the penitentiary, he issued a decree for the election, on October 26, of a new Congress and of a President.

On October 14, 1913, he issued the following decree, modifying the election laws to make the corrupt control of the election absolutely certain, putting the power in the hands of his instruments. I ask permission to put the decree into the RECORD without reading.

Mr. SHAFROTH. I wish the Senator from Oklahoma would read the order which he says Huerta issued setting aside the election laws.

Mr. OWEN. The first order issued was this:

Victoriano Huerta, constitutional President ad interim of the Mexican United States, to its inhabitants makes known that the Chamber of Deputies and Senators of the 26th legislature having been dissolved and inhabilitated from exercising their functions, and until the people elect new magistrates who shall take over the legislative powers, and in the belief that the Government should count on all the necessary faculties to face the situation and to reestablish the constitutional order of things in the shortest possible time, as is its purpose, since October 26 has been set as a date for elections for deputies and senators, has seen fit to decree that articles of decree.

ARTICLE ONE. The judicial power of the federation shall continue in its functions within the limits set by the constitution of the Republic and the decree of the Executive of October 10 of this month and such others as shall be issued by him.

ARTICLE TWO. The executive power of the Union conserves the powers conferred upon him by the constitution and assumes, furthermore, the departments of gobernacion, hacienda, and war only for the time absolutely necessary for the reestablishment of the legislative power. In the meantime the Executive takes upon himself the powers granted the legislative power by the constitution in the aforementioned departments and will make use of them by issuing decrees, which shall be observed generally and which he may deem expedient for the public welfare.

ARTICLE THREE. The Executive of the Union will render an account to the legislative power of the use which he makes of the powers which he assumes by means of this decree as soon as this is in function. Wherefore I order that this be printed, published, and given due fulfillment.

At the same time he issued a decree declaring that the right of safety and immunity from arrest of members of Congress was set aside and abrogated and, as I have stated, put the whole Congress in the penitentiary. He says:

I have seen fit to decree that article 1, the constitutional exemption from arrest and judicial action which the citizens which formed the twenty-sixth congress of the union enjoyed in view of their functions, is hereby repealed.

Mr. SHAFROTH. And yet some people want such a man recognized as the President of Mexico?

Mr. OWEN. Oh, yes; some people want him recognized. I do not know why. I suppose they do not know about him, but I thought it well enough to let the people of this country know something about Huerta. For that reason I have thought proper to present these various documents, showing his conduct as the alleged head of the Mexican Government. Here is the decree which he issued as to the election laws, putting the power in the hands of his military governors and jefe politicos that they might be able to make false returns of the elections:

Victoriano Huerta, Constitutional President ad interim of the United Mexican States, to the inhabitants thereof: Know ye, that to the end that the extraordinary elections of senators and deputies to the Congress of the Union, convoked by decree under date of the 10th instant, be carried out with all regularity, I have seen fit to decree the following:

ARTICLE 1. In accordance with article 5 of the decree of the 10th instant, the extraordinary elections of deputies and senators will be subject to the conditions of the electoral law of December 19, 1911, with the additions and modifications which follow.

ART. 2. The elections shall be by direct vote; they shall be held at the same time as those for president and vice president of the Republic; the same electoral divisions shall serve for them as were formed under the law to that effect of the 31st of May last, and the same designation of polling officials and scrutinizers which was made under the provisions of the same law shall subsist. Candidates must register.

ART. 3. The registration of the candidates provided for in article 68 of the electoral law of December 19, 1911, shall be carried out before the 20th of this month, and the handing over of credentials which is ordered in the same article, as well as the designation of representatives of parties or candidates, shall be complied with at the same time these latter are inscribed.

ART. 4. The voting shall be subject to the terms of the electoral law of December 19, 1911, and in accord with the following rules: New polling regulations. "1. The polling official shall hand to each voter, in addition to the lists which correspond to the election of President and Vice President of the Republic, the various lists for the casting of votes for deputies and senators and shall proceed to collect the votes in urns or boxes which shall be separate and distinctly marked, one for the election of President and Vice President, another for the election of deputies, and a third for the election of senators.

Second. When the polls are closed definitely, the total count of the votes cast for President and Vice President shall be made in accordance with the law of the 31st of last May, and afterwards the count shall be made of the votes for deputies and senators, respectively, the result of the latter being made known in separate documents, which shall be remitted, together with the designation of the electoral district and the voting slips to the highest authority residing in the place designated as capital (cabecera) of the electoral district (that is, to his military governors), and if there be no cabecera they shall be turned over to the highest municipal authority. Juntas to count ballots.

Third. The count of the votes cast in each electoral district shall be made by a junta formed by the highest political authority to which the foregoing fraction refers, or in default of him by the first municipal authority and by two councilmen (concajales) named by the ayuntamiento of the cabecera of the electoral district. The default of any of the members of this junta shall be made good by the regideres of the ayuntamiento, according to the order of their enumeration, and in default of these, by those who will have held such position the preceding year, according to their enumeration. The designation of the two councilmen who are to form part of the junta shall be made by the ayuntamientos in public session and by secret ballot on Thursday the 23d of the present month. Jefe Politico to preside.

Fourth. The junta shall assemble in junta shall be made by the ayuntamiente on Sunday, the 26th of the present month, at 6 o'clock in the evening, being presided over by the jefe politico, and in his absence by the highest municipal authority. It shall designate secretary from among its members and shall commission another of its members to examine the returns as they be received, and the junta shall reassemble on the 2d day of November next to make the count, after the rendering of the report which the commission shall present.

Fifth. The junta shall abstain from making any remarks respecting the defects which affect the votes cast or those which may be alleged by the parties or candidates registered, and shall limit itself to making them known in its minutes, so that they may be passed upon definitely by the Chamber of Deputies or by the corresponding legislature, according to whether it is a matter of election of deputies or senators. Credentials in quadruplicate.

Sixth. After the count has been made of votes cast, the deputies proprietory and substitute shall be declared elected and the number of votes cast for each one of the candidates for senator proprietory and substitute shall be declared and the corresponding reports shall be made. The report in regard to deputies shall be made in four copies; one shall be sent to the Chamber of Deputies, together with all the election documents and vote certificates; another copy shall be sent to the Ministry of Gobernacion; and the other two shall be remitted to the citizens elected deputy proprietory and substitute, respectively, so that they may serve as credentials. The report of the election of senators shall be made in three copies, one of which shall be sent to the Senate, one to the Ministry of Gobernacion, and the third to the Legislature of the State, that that body may make its declaration relative to the election of senators proprietory and substitute. To report before November 10.

Seventh. The junta shall make its report as soon as it shall have received those of all the municipalities of the electoral district or a report to the effect that the elections were not held, but in any case it must present its report by the 10th of next November. The result of the count made by the junta shall be published immediately after its session shall have adjourned on the doors of the municipal palace and as soon as possible thereafter in the official organ of the corresponding federative entity.

ART. 5. The juntas for examining the votes shall make their counts strictly in accordance with the reports from the various booths and abstain from making any comment on the votes emitted, under pain of a $200 fine for each member of the junta who violates this rule. The respective chamber or legislature, as the case may be, will hand over to the respective judges of the district any violators of this law, so that the fine aforesaid may be duly enforced. Therefore, I order that be printed, published, and duly carried out.

Given in the National Palace of Mexico, October 12, 1913.

(Signed) V. P. HUERTA.

On October 22 there were sent out private instructions to the governors of various States instructing them in effect to make false returns in Huerta's interest, and to make sure that the election of President would be void by returning an insufficient number of precincts, as follows:

PRIVATE INSTRUCTIONS FROM THE FEDERAL GOVERNMENT TO GEN. JOAQUIN MAAS, MILITARY GOVERNOR OF THE STATE OF PUEBLA, TO THE END THAT HE MAY TRANSMIT THE SAME TO THE JEFES POLITICOS OF THE STATE.

First. If any municipal president has entered into agreements with any of the militant political parties his removal from office shall be discreetly sought, and in the case it should not be possible, cautious efforts shall be made to secure complete solidarity between said presidents and the jefes politicos.

Second. It is especially recommended that the persons in charge of the polls should be completely and absolutely reliable, so that they may follow the instructions given to them.

Third. If there should be sufficient time for it, strict orders should be given that polls for rural estates should not be established in the seat of the municipality or town, but in the estates themselves of the electoral division, this for the purpose of avoiding the attendance of those who are to take charge of the polls, the principal object being to prevent the elections in two-thirds, plus one, of the polls constituting the district. Therefore the greatest number of polls shall be ———. To meet the provisions of the law and conceal the above-mentioned commission, a complete list should be published, giving the names of the persons who are to have charge of the polls in accordance with article 13 of the electoral law of May 31, 1913, it being understood that only the appointments corresponding to the third part or less shall be sent to the sections, among which are to be included the polls in the urban wards.

Fourth. In all the polls which may operate blank tickets shall be made use of in order that the absolute majority of the votes may be cast in favor of Gen. Huerta for President and Gen. Blanquet for Vice President.

Fifth. In spite of the fact that article 31 provides that the returns should be at once and directly sent to the chamber of deputies, the chairman of the polls shall be instructed that the returns be sent to the political prefecture, which returns shall be quickly examined by the jefe politico, and if the same are found to be in accordance with the instructions given therein, he shall return them to the chairman, informing them that they must send them directly to the chamber of deputies. If upon making the examination it should appear that the third part of the polls have not acted right, they shall fail to send the number of returns that may be necessary to the end that the chamber of deputies may receive only one-third or less of the total.

Sixth. Political parties and citizens shall be given full freedom in the polls which may operate, allowing them to make all kinds of protests, provided they refer to votes in favor of any of the candidates appearing before the people; but care shall be taken that such protests do not refer to the votes mentioned in paragraph 4 of these instructions.

Seventh. If upon examining the returns the jefes politicos should find that the votes do not agree with the instructions, before sending them they should fix them up to the end that the note of transmission, the minutes of the election, etc., should agree with the instructions.

Eighth. Persons shall be chosen who may inspire absolute confidence and may be well versed in the electoral law to make a quiet and reserved inspection of the polls which may be in operation and to present before them all sorts of protests, in accordance with article 30 of the electoral law, it being understood that all protests should refer to the candidates who may be in the field, but never in regard to votes mentioned in paragraph 4.

Ninth. After elections they shall make a quick concentration of the polls which were in operation and shall communicate this information to the Government if possible on the same day and in cipher and by special courier.

Tenth. Under their most strict responsibility the governor of a State who may receive these instructions shall comply with them under the penalty of discharge of office and other punishment which the Federal Government may see fit to apply.

MEXICO, *October 22, 1913.*

By October 15 it had become obvious, and the representatives of nearly all of the powers except Great Britain had reached the point where they considered armed intervention by the United States as practically inevitable. It was already obvious that Huerta would not permit Diaz to stand as a candidate for the Presidency, notwithstanding his agreement with him of February 18, 1913.

Diaz had named the cabinet, it is true, but the cabinet was set aside one by one, and Diaz was instructed to go to Japan and then to Europe, and finally dared not to return to Mexico, but receiving a command from Huerta to return to Mexico to resume his post in the army, Diaz came to Vera Cruz, was put under instant surveillance by Huerta's forces, but, by a skillful maneuver, fled by night to a warship and saved his life; he profoundly believed that he was on the point of being assassinated and did flee by night just before the election, and is now in the United States.

On October 23 Huerta advised the diplomatic corps of Mexico City that he had dissolved the Congress of Mexico, because it was disloyal and revolutionary, 50 deputies having joined the revolutionists. He stated that he was not a candidate for the presidential office; that votes for him would be null and void, even if a majority of votes were cast for him; that he would not accept the Presidency, not only because the constitution prohibited him, but because he had given public promise to the contrary, and he requested the diplomats to give these solemn assurances to their respective countries.

Immediately before the election of October 26 the country was flooded with circulars urging the people to vote for Huerta for President. The circulars were as big as the door of the Senate Chamber, urging people to vote for this man who said he was not running for the Presidency. Immediately after the election, on October 27, Huerta's minister of gobernacion publicly announced that the election returns from Puebla, San Luis Potosi, showed a "landslide" for Huerta and Blanquet.

Mr. THOMAS. It was a case of the office seeking the man?

Mr. OWEN. Yes, the office sought the man; he could not escape it. Huerta then issued an intimidating decree to raise the army to 150,000 men, a decree which he could not carry out.

On November 20, 1913, the newly elected Mexican Congress convened. Huerta addressed them and they replied with assurances of patriotism, etc., and on December 10 the grand committee of Congress solemnly reported to Huerta that of 14,425 voting precincts only 7,157 reported, and hence that there had been no election of a President, under article 42, clause 3, of the constitution of Mexico. This result (a result which Huerta had carefully planned, as I have explained, by modifying the election laws, and then giving secret instructions to his military governors) they elaborately explained to Huerta could be accounted for, first, because a part of the territory was in revolution, and, second, because a part of the territory was near the revolutionary country, and, third, that where the territory was under Huerta's control the people had not voted for "reasons of a general nature."

They recommended that Huerta continue as President until a lawful election at some future time when Congress should issue the necessary declaration.

I submit Exhibit 4, a memorial of a committee of the people of Puebla and Tlaxcala and addressed to John Lind, showing a very interesting Mexican point of view. I omit names for obvious reasons.

Mr. President, I have thought proper to put into the RECORD the documents showing the conduct of this man, because I do not think the people of the United States sufficiently understand the facts relating to our occupation of Vera Cruz. We

are there primarily because of what might be called the straw that broke the camel's back, the open and flagrant insult before the nations of the world of our flag and of our uniform by the arrest of our unarmed men and parading them through the streets of Tampico in derision, and then refusing to make the amends required by international law. I believe that Senator Dominguez stated the truth when at the cost of his life he charged Huerta with the purpose of bringing about a conflict with the United States. And what was the purpose of bringing about a conflict with the United States? It was to save his precious neck, because Zapata, with thousands of armed men on the south, had sworn to kill Huerta for treason and murder, and Villa, with more thousands of armed men on the north, had sworn to take Huerta's life for treason to Mexico. So there is only one safe place for Huerta, and that is under our flag, that would perhaps have mercy on this miserable wretch, who deserves to be overthrown by his own people and punished by his own people for his crimes against them.

Mr. WEEKS. Mr. President, before the Senator takes his seat, I should like to ask him if he thinks that the statement he has just made will be an aid to the mediators in their labors?

Mr. OWEN. I will say, Mr. President, that I do not think the mediators will be able to accomplish anything with a man like Huerta. I will say further, however, that the history which I have put in the RECORD here this afternoon in regard to this man whom we have not recognized, and ought not to recognize, will in no wise affect the question of mediation. The mediators will deal with the questions that are laid before them, but the people of the United States ought to know what manner of man this is that our Government has refused to recognize, and I feel justified in giving the reasons for that refusal.

EXHIBIT I.

CONSTITUTION OF THE REPUBLIC OF MEXICO, 1853, ABSTRACT RODRIGUEZ'S EDITION.

TITLE I, SECTION 1.—*Rights of man.*

ARTICLE 2. In a Republic all are born free.

ART. 3. Instruction is free.

ART. 4. Every *man* is free to engage in any profession, pursuit, or occupation, and avail himself of its products.

ART. 5. (Amended by law of Sept. 25, 1873.) No one shall be compelled to do personal work without compensation and without his full consent.

ART. 7. (Amended by law of May 15, 1883.) Freedom of publication limited only by the respect due to private life, morals, and public peace.

ART. 8. Right to petition guaranteed.

ART. 10. Right to carry arms guaranteed, but the law shall designate what arms are prohibited.

ART. 13. No one shall be tried according to special laws or by special tribunals. No persons or corporations shall have privileges or enjoy emoluments not in compensation for public service according to law. Military trial of criminal cases allowed only for military discipline.

ART. 14. No retroactive laws shall be enacted.

ART. 16. No person shall be molested in his person, family, domicile, papers, or possessions except under an order in writing.

ART. 17. No arrest for debts. Administration of justice shall be gratuitous, judicial costs being abolished.

ART. 18. Imprisonment only for crimes deserving corporal punishment; otherwise, liberty on bail.

ART. 19. No detention to exceed three days, unless justified by a warrant under the law. Maltreatment during confinement to be severely punished.

ART. 20. Guaranties in every criminal trial—

(1) Grounds of proceeding and name of accuser made known.

(2) Preliminary examination within 48 hours.

(3) Confronted with witnesses against criminal.

(4) Given all information on record which he may need for his defense.

(5) He shall be heard in his defense.

ART. 21. Imposition of penalties by judicial authority. Political and executive authorities to impose fines and imprisonment as disciplinary measures and impose fines of not over $500 and imprisonment not more than one month as disciplinarian measures as the law shall expressly determine.

ART. 22. Mutilation, torture, excessive fines, confiscation of property, corruption of blood prohibited.

ART. 23 Penalty of death abolished for political offenses and not imposed except in cases of treason during foreign war, highway robbery, arson, parricide, murder in the first degree, grave offenses of military character, piracy.

ART. 24. No criminal case shall have more than three instances.

ART. 26. The quartering of soldiers prohibited in time of peace.

ART. 27. Private property condemned for public use and upon compensation.

ART. 28. There shall be no monopolies of any kind, whether governmental or private, inventions excepted.

ART. 29. In cases of invasion or disturbance of the public peace, or other emergency, residents with the advice of the council of ministers and the approval of Congress or during recess of the permanent committee, may suspend constitution guaranties except those relating to life.

TITLE I, SECTION 2—*Mexicans, nationality and duties.*

TITLE I, SECTION 3—*Foreigners.*

TITLE I, SECTION 4—*Mexican citizenship, right to hold office, etc.*

TITLE II, SECTION 1—*National sovereignty and form of government.*

ART. 39. Sovereignty is in the people. All public power emanates from the people. The people have at all times the inalienable right to change the form of their government.

ART. 40. The States are free and sovereign in all that concerns their internal government, but united in a federation under the constitution.

ART. 41. The people exercise their sovereignty through the federal powers and the State powers.

TITLE II, SECTION 2—*National territory and limits of the States.*

TITLE III.—*Division of powers.*

TITLE III, SECTION 1.—*Legislative power.*

ART. 51 (amended by law of Nov. 13, 1874). Legislative power vested in the General Congress, consisting of a Chamber of Deputies and the Senate.

ART. 52 (amended by law of Nov. 13, 1874). Members of Chamber of Deputies elected every two years.

ART. 55. Elections shall be by indirect and secret ballot under the electoral law.

ART. 57 (amended by law of Nov. 13, 1874). The office of Deputy and Senator may not be held by the same person.

ART. 58 (amended by law of Nov. 13, 1874). They may not hold another federal office without consent of their respective chamber. The Senate consists of two senators from each State and two for the Federal District. Election of senators shall be indirect, the legislature of each State declaring who has obtained the majority of votes cast.

The Senate shall be renewed by half every two years.

ART. 60 (amended by law of Nov. 13, 1874). Each chamber shall be the judge of the election of its members.

ART. 62 (amended by law of Nov. 13, 1874). Congress shall hold two sessions each year.

ART. 64 (amended by law of Nov. 13, 1874). Action of Congress shall be in the form of laws or resolutions which shall be communicated to the Executive after having been signed by the presidents of both chambers, etc.

ART. 65 (amended by law of Nov. 13, 1874). The right to originate legislation belongs to the President and to the deputies and senators or to the State legislature.

ART. 69 (amended by law of Nov. 13, 1874). The Executive shall transmit to the Chamber of Deputies on the last day of the session accounts for the year and the budget for the next year.

ART. 71 (amended by law of Nov. 13, 1874). Bills and resolutions passed by both chambers and approved by the Executive shall be immediately published. Bills or resolutions rejected by the Executive may be passed by a majority in each House.

Special sessions of Congress.

ART. 72. (Amended by law of Nov. 13, 1874, Dec. 14, 1883, June 2, 1882, Apr. 24, 1896.) Congress shall have power to admit new states, to form new states upon certain conditions, to establish conditions of loans on the credit of the nation and to approve said loans, to recognize and order the payment of the national debt, to fix duties on foreign commerce, to create or abolish federal offices and to fix their salaries, to declare war, to regulate issuance of letters of marque, taking of prizes on sea or land, the maritime law of peace or war, to grant or refuse permission of foreign troops to enter the republic, to establish mints, regulate the value and kinds of national coin, to make rules for the occupation and sale of public lands, to grant pardons, to appoint at a joint session of both chambers a president of the republic who shall act in case of absolute or temporary vacancy of the presidency, either as a substitute or as a president ad interim.

The chamber of deputies has power to exercise its power regarding the appointments of a constitutional president of the republic, justices of the supreme court and senators of the federal district; to pass upon the resignations of the president of the republic, justices of the supreme court, and to grant leaves of absence requested by the president; to supervise the comptroller of the treasury; to formulate articles of impeachment; to approve the annual budget and originate taxation.

The senate has power to approve the treaties; to confirm certain nominations made by the President; to authorize sending troops outside of the Republic; to consent to the presence of fleets of another nation for more than one month in the waters of the Republic; to declare when the constitutional powers of any State have disappeared and the moment has arrived to give said State a provisional governor, who shall order elections to be held according to the constitutional law of the State; such governor shall be appointed by the Executive, with the approval of the senate or, in time of recess, by the permanent committee; to decide any political questions which may arise between the powers of a State or when constitutional order has been interrupted by an armed conflict in consequence of such political questions; to sit as a court of impeachment.

ART. 73. During the recess of Congress there shall be a permanent committee consisting of 29 members, 15 deputies, and 14 senators appointed by their respective chambers.

ART. 74 (amended by the law of Nov. 13, 1874). The permanent committee shall have power to consent to the use of the national guard as mentioned in article 72; to call by its own motion or that of the Executive an extra session of either or both chambers; to approve appointments under article 85.

TITLE III, SECTION 2.—*Executive power.*

ART. 76. Election of President shall be by indirect, secret ballot under the electoral law.

ART. 78. The President shall enter upon his duties December 1 and serve for four years.

ART. 79. (Amended by the law of Oct. 3, 1882, and Apr. 24, 1896.) In case of absolute vacancy except upon resignation and in the case of temporary vacancy except upon leave of absence, the executive power shall vest in the secretary of foreign relations, etc.

Congress shall assemble on the day next following to elect by a majority a substitute President, etc.

In case of resignation of the President Congress shall assemble as indicated for the purpose of appointing a substitute (acting) President.

In case of temporary vacancy Congress shall appoint a President ad interim.

A request for leave of absence shall be addressed to the Chamber of Deputies, to be voted on in the Congress in joint session.

If on the day appointed the President elected by the people should not enter upon his duties, Congress shall at once appoint a President ad interim if the vacancy prove temporary; but if the vacancy prove absolute, Congress, after appointing the President ad interim, shall order a special election. The elected President shall serve out the unexpired constitutional term.

The vacancy of substitute President and President ad interim shall be filled in the same manner.

ART. 83. (Amended by the law of Apr. 24, 1896.) Form of oath to be administered to the President.

ART. 85. The President has power to promulgate and execute the laws, appoint and remove certain officers, to appoint with the approval of Congress certain officers, to dispose of the permanent land and sea forces and national guard for the defense of the Republic, to declare war after the passage of the necessary law by Congress, to conduct diplomatic negotiations and make treaties, to call with the approval of the permanent committee an extra session of Congress, to grant pardons according to law.

TITLE III, SECTION 3.—*Judicial power.*

ART. 90. The judicial powers vested in a Supreme Court and in the District and Circuit Courts.

ART. 91. The Supreme Court shall consist of 11 justices, etc.

ART. 92. The Supreme Court justices shall serve for six years and their election shall be indirect in accordance with the electoral law.

ART. 95. No resignation of a justice allowed, except for grave cause, approved by the Congress or the permanent committee.

ARTS. 97, 98, 99, and 100. Jurisdiction of federal tribunals.

ART. 101. Federal tribunals shall decide all questions arising out of laws or acts violating individual guaranties and encroaching upon or restricting the sovereignty of States invading the sphere of federal authority.

TITLE IV.—*Responsibility of public functionaries.*

ART. 103 (amended by the law of Nov. 13, 1874). Members of Congress, of the Supreme Court, and of the Cabinet shall be responsible for the common offenses committed by them during their term of office and for their crimes, misdemeanors, or omissions in the exercise of their functions. The governors of the States shall be responsible for the violation of the Federal Constitution and laws. The President shall be likewise responsible, but during his term he can be charged only with treason, violation of the Constitution, of the electoral law, and grave common offenses.

ART. 104 (amended by the law of Nov. 13, 1874). In case of common offense, the Chamber of Deputies shall sit as a grand jury and declare by majority whether proceedings should be instituted. If the vote is affirmative, the accused shall be placed at the disposal of the ordinary courts.

ART. 105 (amended by the law of Nov. 13, 1874). In cases of impeachment, the Chamber of Deputies shall act as grand jury and the Senate as a tribunal. If the grand jury declares by a majority vote, the accused shall be impeached.

ART. 106. No pardon can be granted in cases of impeachment.

ART. 107. Responsibility for official crimes and misdemeanors enforceable only while in office or one year thereafter.

ART. 108. In civil cases, no privilege or immunity in favor of any public functionary shall be recognized.

TITLE V.—*States of the Federation.*

ART. 109 (amended by the laws of May 5, 1878, and Oct. 21, 1887). The State shall adopt a republican, representative, and popular form of Government.

ART. 110. States may fix between themselves their respective boundaries.

ART. 111 (amended by law of May 1, 1896). States can not enter into alliances, treaties, or coalitions with another State or foreign nation; coin money, issue paper money, stamps or stamped paper; tax interstate traffic and commerce.

ART. 112. States can not without consent of Congress impose port duties; have troops or vessels of war, except in case of invasion or imminent peril.

ART. 113. States are bound to return fugitives from justice.

ART. 114. States are bound to enforce the Federal laws.

ART. 116. The Federal Government is bound to protect the States from invasion. In case of insurrection or internal disturbance it shall give them the same protection, provided request is made for same.

TITLE VI.—*General provisions.*

ART. 117. Powers not expressly granted to Federal authorities are reserved to the States.

ART. 122. In time of peace no military authorities shall exercise other functions than those connected with military discipline, etc.

ART. 124 (amended by act of May 1, 1896). The Federal Government has exclusive power to levy duties on imports, exports, and transient goods, and regulate or forbid circulation of all kinds of goods regardless of their origin, for sake of public safety or for police reasons.

ART. 126. The constitution, the laws of Congress, and the treaties shall be the supreme law of the Union.

TITLE VII.—*Amendments to the constitution.*

ART. 127. Amendments must be agreed to by two-thirds vote of the Members present in the Congress and approved by a majority of legislatures of the States. The Congress shall count the votes of the legislatures and declare whether the amendments have been adopted.

TITLE VIII.—*Inviolability of the constitution.*

ART. 128. The constitution shall not lose its force and vigor even if interrupted by a rebellion. If by reason of public disturbance a government contrary to its principles is established, the constitution shall be restored as soon as the people regain their liberty, and the people figuring in the rebellion shall be tried under the constitution and the provisions of laws under the constitution.

EXHIBIT II.

[Translation.]

RESOLUTION STATE OF COAHUILA.

Venustiano Carranza, Constitutional Governor of the Free and Sovereign State of Coahuila de Zaragoza, to the inhabitants thereof, know ye: That the Congress of said State has decreed as follows:

The twenty-second Constitutional Congress of the Free and Sovereign State of Coahuila decrees:

ART. 1. Gen. Victoriano Huerta is not recognized in his capacity as Chief Executive of the Republic, which office he says was conferred upon him by the Senate, and any acts and measures which he may perform or take in such capacity are likewise not recognized.

ART. 2. Extraordinary powers are conferred upon the Executive of the State in all the branches of the public administration, so that he may abolish those which he may deem suitable, and so that he may proceed to arm forces to cooperate in maintaining the constitutional order of things in the Republic.

"ECONOMIC:" The Governments of the remaining States, and the commanders of the federal, rural, and auxiliary forces of the Federation, should be urged to second the attitude of the Government of this State.

Given in the Hall of Sessions of the Honorable Congress of the State, at Saltillo, February 19, 1913.

A. BARRERA, *Deputy, Presiding.*
J. SANCHEZ HERRERA, *Deputy, Secretary.*
GABRIEL CALZADA, *Deputy, Secretary.*

Let this be printed, communicated, and observed.

SALTILLA, *February 19, 1913.*

VENUSTIANO CARRANZA.
E. GARZA PEREZ, *Secretary General.*

EXHIBIT III.

[Translation.]

RESOLUTION STATE OF SONORA.

Special committee.—The executive of the State is pleased to submit to the settlement of the local legislature the present conflict of the State in relation to the supreme executive power of the Republic, the statement whereof appears in the official note referred to the opinion of the undersigned committee. The committee has before it a case which is extraordinary and without precedent in the history of this legislature, and therefore there are no precedents to be consulted in order to enlighten its opinion in the matter, so that in order to express the present opinion we have been obliged to measure its transcendent importance and to consult the laws and opinions which may add light and force to our deficiency in the matter in question, so that we may offer, and submit to the deliberation of this assembly, a proposition which shall emanate from our consciences honestly, patriotically, and calmly.

The axis about which the question propounded turns is the legality or illegality of the appointment of Gen. Victoriano Huerta as provisional President of the Republic. We believe, like the Executive, that the high representative capacity conferred upon the aforesaid Gen. Huerta can not be recognized as constitutional.

As a matter of fact, the apprehension of Messrs. Francisco I. Madero and Jose Maria Pino Suarez, President and Vice President of the Republic, and their cabinet, took place in contravention of article 103 of the constitution of the Republic and the supreme law of May 6, 1904. In these texts it is prescribed that the President and Vice President of the Republic may be impeached only for high treason, express violation of the constitution, attack upon the electoral freedom, and grave offenses in the realm of common law. This provision was violated, for Messrs. Madero and Pino Suarez were apprehended without any impeachment having been made before Congress, which grand jury ought to have decided whether proceedings were to be taken or not against the said officials. From the second of the documents sent as exhibits by the governor of the State it is seen that subsequently it was desired to clothe with a pretended legality the designation of Gen. Huerta by saying that Messrs. Madero and Pino Suarez had resigned their posts; that the presidency had passed to Mr. Lascurain, minister of foreign relations; that the latter had resigned; and that Gen. Huerta had thereupon been designated President. Now that, in our opinion, the culminating point of the question has been defined, it becomes appropriate to connect it with the government of the State of Sonora. The aforementioned article 103 of the federal constitution says that the governors of the States are responsible for infraction of the federal constitution and laws. Would not the recognition of Gen. Huerta as President of the Republic, now that it has been established that said presidency was occupied in express violation of the constitution, imply responsibility on the part of the governor of the State of Sonora? The constitution has been violated, and to approve this violation is to become an accomplice in the crime itself. Now, the undersigned committee believes that it behooves the Executive to make the declaration urgently demanded by the secretary of the interior of the Huerta cabinet according to the last of the exhibits sent to said Executive. But inasmuch as this assembly is in turn confronted with a question of the greatest concern to the destinies of the nation, and as it has a high patriotic duty to perform in these solemn moments of our history, the undersigned committee, on the strength of Section XIII of article 67 of the political constitution of the State, and in view of the statement made by the Executive in the official note serving as a basis for this report, has the honor to propose a bill (draft of a law) of the tenor given below. Honorable chamber, we believe that we have honestly and patriotically fulfilled our duty to pass upon the momentous matter submitted to our opinion. We are firmly convinced that the proposition which we have framed is that which is warranted by the dignity of our State; and if owing to the deficiency of our knowledge there should be any error in the opinion submitted to the most illustrious of you, we at least have the satisfaction of having fulfilled the duties imposed upon us by our conscience. The bill which we submit to the deliberation of the honorable chamber is as follows:

LAW AUTHORIZING THE EXECUTIVE TO REFUSE RECOGNITION TO GEN. VICTORIANO HUERTA AS PRESIDENT OF MEXICO.

ARTICLE 1. The legislature of the free and sovereign State of Sonora does not recognize Gen. Victoriano Huerta as provisional president of the Mexican Republic.

ART. 2. The executive is urged to utilize the powers conferred upon him by the political constitution of the State.

DECREE NO. 1.

ARTICLE 1. The branches of the federal administration are provisionally (placed) in charge of the State and (made) subject to the laws and provisions of the latter.

ART. 2. The making of any payment, for the purposes referred to in the foregoing article, to any office not subject to the executive power of Sonora and existing therein is prohibited.

ART. 3. The said executive power shall provide for the organization and operation of the services belonging to the executive of the Union, attending to everything concerning the branches referred to.

DECREE NO. 2.

ARTICLE 1. The frontier custom houses of Agua Prieta and Nogales are hereby qualified and opened up to international import and export trade.

ART. 2. In all matters contrary to the special laws and provisions of the State there shall be observed the general customs orders of June 12, 1891, and the schedules concerned, together with their additions and revisions in force.

ART. 3. The import duties are reduced 20 per cent and the 5 per cent additional which has been being paid is hereby abolished.

ART. 4. The exportation of cattle and horses shall be assessed as follows:

(a) Cattle, $2.50 a head.
(b) Horses, broken in, $10 per head.
(c) Horses, wild, $5 per head.

I therefore order this printed, published, and circulated for due enforcement.

Given at the palace of the executive of the State, at Hermosillo, March 24, 1913.

IGNACIO L. PESQUEIRA.
LORENZO ROZADO, *Secretary General.*

NOTE.—This document above is taken from the Diario de los Debates (Journal of Debates), of the City of Mexico, which in turn took it from the Official Gazette, of Sonora, and it was at the permanent session of the legislature of Sonora, held on March 5, that the committee gave the opinion referred to, and it was approved.

EXHIBIT IV.

MEMORIAL FROM A COMMITTEE REPRESENTING THE PEOPLE OF THE STATES OF PUEBLA AND TLAXCALA TO MR. LIND.

SIR: In our name and in that of the people of the States of Puebla and Tlaxcala, whose general and almost unanimous sentiments we voice, we address you with the request that you bring to the attention of His Excellency Woodrow Wilson the fact that, as a matter of equity and justice, and considering that he has heard the side of public functionaries and sympathizers of the Huerta Government and of some of the rebels in the frontier of our country, as well as the opinions of Americans residing among us, we, as the genuine representatives of the true people, be given a chance to give our views on the political situation of the country, as it would not be in keeping with the well-known sense of justice of His Excellency Woodrow Wilson to listen only to one side and to ignore the opinion of the Mexican people, expressed in divers ways, and which we know is regarded by you as the principal means to guide your opinion concerning the international issue of the day.

We trust that you as well as His Excellency President Wilson will regard this memorial as a mark of courtesy, shown in this way to you, the President of the American Union and the people of the United States, whose Chief Executive we regard as a sincere and great friend of ours.

We abstain on account of official persecution from sending you our credentials as the representatives we claim to be.

Although we feel certain that the Department of State in Washington must be in possession of ample information concerning the present political situation of Mexico, we nevertheless do not consider it officious to refer to the events which took place between the 9th and the 18th of February last, in order that you may hear the opinion of the people on the following points, to wit: 1st. The illegality of the Government of Gen. Huerta; second, the legality of the revolution of the Constitutional Party; and, third, the serious consequences which would naturally follow the recognition of the Huerta Government by that of the United States, and which would tend to definitely establish the same.

THE ILLEGALITY OF THE PRESENT GOVERNMENT.

First. The revolution of 1910 was an act by which the Mexican people invoked the right it had under article 39 of the Constitution of the Republic, which reads as follows:

"ARTICLE 39. The sovereignty of the nation is essentially and originally vested in the people. All public power emanates directly from the people and is instituted for its benefit. The people have at all times the right to alter or modify the form of its government."

If the revolution headed by Gen. Felix Diaz on February 9 had been popular, it would have been legitimate and justified, because then it would have been initiated by the only body of men who, under the constitution had the right to start it—that is, the people—and therefore any Government emanating from a revolution of this kind will be recognized as a legitimate and justifiable Government.

As a matter of fact, the ostensible and apparent authors of the above-mentioned revolution were Gens. Bernardo Reyes, Felix Diaz, Manuel Mondragon, and Gregorio Ruiz, together with other officers of the army, who caused the men in the School of Aspirantes, of one regiment of light artillery, two regiments of mounted artillery, three regiments of cavalry, and the Twentieth Infantry to mutiny.

The people remained in an attitude of expectancy, due to its surprise and lack of organization, but its sympathy was with President Madero, and if it did not go to his rescue it was because the President did not call on the people. It was also because he still had faith in the discipline and loyalty of the rest of the army.

But while it is true that the people did not take up the defense of the Government, it did not join the rebels, for which reason the revolution was strictly military, and for this reason it lacked the sanction of article 39 of the constitution of Mexico. The rebels did ask the people to join them, but they were not in sympathy with it, and therefore the Government which resulted from the movement in question is lacking in constitutional foundation.

Second. Due to the fact that on February 15 of this year, His Excellency Henry Lane Wilson, convened several members of the diplomatic corps in the building of the embassy and informed them of the coming arrival in Mexican waters of several American vessels and transports with troops for landing, and that it was his firm and decided opinion that 3,000 marines would land on Mexican soil and march to the capital, the Mexican Senate, during an extra session held on the above-mentioned day, decided to ask the resignations of the President and Vice President of the Republic. This act was nevertheless unsuccessful.

We inclose herewith copy of the minutes of the session referred to, as inclosure No. 1.

In view of the above failure nine senators went, on the 18th of February last, to the office of the military commander of the City of Mexico, Gen. Victoriano Huerta, in order to induce him or convince him with all kinds of glowing promises to force the above functionaries to resign. Huerta finally acceded, and with his protection and complicity the above-mentioned senators called on President Madero in order to force him to resign. Having failed in their efforts, they called on Gen. Garcia Peña, minister of war, and told him that the army of the nation should depose the President of the Republic, but the honorable general refused to take the hint.

The decision of the Senate to which we have referred, as well as the acts of the nine senators which followed it, are unconstitutional, inasmuch as article 72, nor any other provision of the constitution, empowers the Senate or any of its members to request or force the President of the Republic to resign. Any senator or authority who does not act within the law and commits acts of violence or of a criminal character is criminally responsible for them, even though he may commit them in his capacity as a senator or authority of any character.

Third. The senators and Gen. Huerta having taken note of the firm attitude of the minister of war in favor of the President, Huerta and the senators, considered from that moment as rebellious to the executive power, directed Gen. Aurelio Blanquet to arrest the President and Vice President at the National Palace and to do this in the name of the army.

When this was done Huerta assumed power and sent all over the country the notice appearing as inclosure 2.

The above acts of violence are also unconstitutional inasmuch as they violate the provisions of the constitution of Mexico.

Therefore, the government which emanated from the second revolution is like the Felix Diaz uprising, contrary to the principles sanctioned by the constitution.

Fourth. The transitory government of Gen. Huerta was sanctioned by a pact signed by Huerta and Diaz, the former aided by Lieut. Col. Joaquin Maas and Engineer Enrique Cepeda and the latter by Attorneys Fidencio Hernandez and Rodolfo Reyes.

Both rebel generals agreed through this pact to prevent by all means the reestablishment of the legitimate government represented exclusively by President Madero and Vice President Pino Suarez; and it was also agreed that Gen. Huerta would assume power at the earliest possible convenience. (Huerta had already assumed it on his own authority.)

We inclose herewith a full copy, under Inclosure 3, of the above agreement, called the pact of Ciudadela.

It is evident that in order to establish the government of Gen. Huerta the constitution was completely ignored and supplanted by the Ciudadela agreement, which confined itself to sanction the military uprising, the acts of violence of Gens. Huerta and Blanquet, to depose the President and Vice President of the Republic, to divest them of their investiture, and to permit Huerta to usurp the executive power of the nation.

Things have developed since February 18 in such a way that there is no room for doubting that the above pact has been the directing force of the present government.

In fact, the first clause of the above-mentioned pact indicates without doubt that the murders of Messrs. Madero and Pino Suarez, immediately after the decision of the legislature of the State of Coahuila became known in the capital, and by which decision, dated the 19th of February, Gen. Huerta was not recognized as President of the Republic, were perpetrated with no other purpose than to prevent the reestablishment of the legitimate government.

ALL OF THAT IS CONTRARY TO THE PRINCIPLES SANCTIONED BY THE CONSTITUTION OF THE REPUBLIC.

Such is the origin of the government of Gen. Huerta, and it matters not that 72 hours later they may have attempted to give it a constitutional form, inasmuch as the old principle of international law which reads, "That which is null in principle is void in its effects," and more so if it is borne in mind that the whole thing was done to put into effect the pact of the Ciudadela, which is not, so to say, the Federal pact, which is the fundamental and supreme law of the land.

Now, then, all events from February 18 ahead and which gave rise to the government of Gen. Huerta, and in spite of the claim they make that it is a matter of "consummated facts," are criminal, illegal, and void and they are so considered in article 128 of the Mexican constitution, a provision which to this date seems to have been ignored, notwithstanding its importance as a fundamental law.

The article in question reads as follows:

"ART. 128. The constitution shall not lose its force and vigor, even though because of a rebellion its enforcement may be suspended. In case that by means of a public disturbance a government contrary to the constitution may be established, as soon as the people regains its freedom, the observance of it shall be enforced, and in accordance with it and with the provisions which may have been dictated pursuant to it, all those who may have figured in the government established by the revolution, and those who may have been their accomplices shall be tried."

This shows your excellency the full force of article 128 of the constitution against the government of Gen. Huerta, and this also shows the motives of basis of the constitutional rebellion which is growing in the heart of the people, and which shall not permit the continuation in power of Gen. Huerta, nor any other government emanating from a military rebellion.

Therefore, to make an effort to legitimize or to recognize the international character of a government which has emanated from a military rebellion, simply because of "consummated facts," means to set aside the constitution of Mexico, and to legitimize and recognize a crime which, though it may have been perpetrated, does not fail to be punishable, nor does it cause article 128 of the constitution to be inoperative.

An act of this kind would be the equivalent of recognizing the right of a thief to the thing stolen.

Therefore, the above pretension, being founded on so frail a foundation, is repudiated by morals, civilization, and common law; and for this reason the Washington Government would be responsible of committing a most lamentable moral and legal error should it recognize the government of Gen. Huerta as a legitimate government, and would recognize it as an international entity.

THE LEGITIMACY OF THE REVOLUTION OF THE CONSTITUTIONALISTAS.

First. If the people were lacking in organization at the beginning of the uprising in order to defend the rights they were divested from by the army which overthrew the Executive elected according to the laws, so soon as it has been able to organize itself into a body it has risen in arms against the usurper, invoking the principle sanctioned by article 39 of the constitution.

The above rights are at the base of the revolution and are deeply rooted in the heart of the Mexican people whose attitude tends to prove that neither public opinion nor the mass of the people have ever sanctioned the present Government. There are a few newspapers in the City of Mexico speaking for the Government, but they do not represent the sentiments of the people or of the popular mind; they are voicing purely and simply the personal views of their publishers, all of whom are under the orders of the minister of gobernacion (Urrutia).

Second. The constitutional government of the free and sovereign State of Coahuila, acting in observance of a decree of its legislature, dated February 19, this year, by which the governor of the State was authorized to disregard the Government of Gen. Victoriano Huerta

and not to recognize any of the acts emanating from this Government. Article second of the same decree of the legislature of Coahuila authorized the governor to arm troops in order to maintain the constitutional order.

Third. The Legislature of the State of Sonora, legally constituted and acting in accordance with the law, approved a decree by which the Government of Gen. Huerta was not recognized. A copy of the decree is herewith inclosed.

Fourth. Article 128 of the federal constitution vests the people with power and tacitly expects it to defend and maintain the integrity of the laws, when it reads "as soon as the people may recover its liberty."

Two constitutional decrees emanating from two legally constituted governments of two States are a sufficient base for the present revolution of the Constitutional Party. Those two decrees are its legal foundation.

SERIOUS CONSEQUENCES OF THE DEFINITE ESTABLISHMENT OF THE GOVERNMENT OF GEN. V. HUERTA.

In the first place it would establish precedent for all the armies of the world, that they could rise in arms and depose their respective rulers and place themselves in their stead, if they would feel that the recognition of the world would be forthcoming simply on the plea of "consummated facts."

What happened yesterday in Mexico could happen in the future in Germany, Russia, England, or the United States, where, with reference to the latter country, the Republican Party, sympathizing with Porfirista, or Huertista party of Mexico, places President Woodrow Wilson on a parallel with Madero, and says that the spirit of the latter has reincarnated in the American President.

What would happen with the laws of a country if they were at the mercy of the army? What would happen to a country where the army instead of being the support would be the arbiter of the government? What would it mean to relegate the will and laws of the people to the caprice of the army?

In view of the above we believe that the "Mexico case" is of interest not only to our country, but it concerns all other nations. As a matter of precaution and future policy the Government of Gen. Huerta should not be recognized.

We are of the opinion that coup d'état should be suppressed forever, leaving the question of changing or modifying the form of government to the people, as vox populi vox dei.

The third Pan-American Conference, which took place at Rio de Janeiro, took the initiative by recommending that government growing out of an act of violence should not be recognized, and we hope that America may be the first to follow this principle in connection with the "Mexico case."

Besides, the government of Gen. Huerta is politically and financially connected with many European interests. It is stated soto voce, for example, that Mexico will not press the contention about the Clipperton Islands and will allow France to win out in payment of its recognition of the Huerta government.

It appears that it is on this acount that Huerta revoked the appointment he had made of Lio de la Barra, as envoy near the court of Italy.

Spain is being given all kinds of encouragement to acquire practically full control of the land interests of the country.

All of the above acts are an outrage against the Mexican nation and contrary to the Monroe doctrine.

With reference to England, it is well known how important a rôle has been played by Lord Cowdray and to what extent he would rule were the Huerta government to become definitely affirmed.

As a consequence of the above Europe would increase its political, financial, and even military influence in Mexico, much to our detriment and contrary to the Monroe doctrine.

We will therefore propose, as a part of the opinions you may have gathered while here, for the information of His Excellency Woodrow Wilson:

First. That the government of Gen. Huerta be not recognized.

Second. That if Washington recognizes the government of Huerta, it should simultaneously recognize the belligerence of the rebels.

Third. That as a matter of humanity the decree which prevents the exportation of arms, ammunition, and war material to countries south of the United States be revoked temporarily.

We say that this be done as a matter of humanity in order to facilitate the means by which the States of the Mexican Union in hands of the Constitutional Party to pacify the country and avoid further bloodshed.

If otherwise, the Washington Government, acting under a strange moral rule or other motive, would recognize the Huerta Government and refuse to recognize the belligerency of the rebels, such act would serve only to prolong the state of war in this country, as the patriotic elements of the country would never give in nor tolerate the government of General Huerta.

We will say before ending that foreign residents will have the fullest protection from the constitutional rebels, and if the requests of the revolution are granted in full or in part this will serve to bring Mexico and the United States much closer in their diplomatic relations.

Please accept the assurances of our highest consideration.

In the name of the committee:

(Names omitted.)

To the Honorable JOHN LIND,
Confidential Envoy of the President of the United States of America.

AMBASSADOR TO CHILE.

The bill (H. R. 15503) authorizing the appointment of an ambassador to the Republic of Chile was read twice by its title.

Mr. SHIVELY. By direction of the Committee on Foreign Relations, I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, as the representative of the United States, an ambassador to the Republic of Chile, who shall receive as his compensation the sum of $17,500 per annum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHIVELY. I move that the bill on the calendar, being Senate bill 5203, of a like title, be indefinitely postponed.

The motion was agreed to.

CONSTRUCTION OF REVENUE CUTTERS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4377) to provide for the construction of four revenue cutters, which were, in line 4, after the word "construct," to strike out all down to and including "$350,000," in line 6; in line 8, to strike out the semicolon and insert: ", and"; and in line 10, to strike out the semicolon and all of lines 11, 12, and 13, and insert: "*: Provided*, That, in the discretion of the Secretary of the Treasury, any of the revenue cutters provided for in this act, or any other revenue cutter now or hereafter in commission, may be used to extend medical and surgical aid to the crews of American vessels engaged in the deep-sea fisheries, under such regulations as the Secretary of the Treasury may from time to time prescribe, and the said Secretary is hereby authorized to detail for duty on revenue cutters such surgeons and other persons of the Public Health Service as he may deem necessary"; and to amend the title so as to read: "An act to provide for the construction of two revenue cutters."

Mr. BANKHEAD. I move that the Senate concur in the amendments of the House numbered 1 and 2.

The motion was agreed to.

Mr. BANKHEAD. I move that the Senate concur in the amendment of the House numbered 3 with an amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In line 1 of amendment No. 3 insert before the word "*Provided*" the following: "One steam revenue cutter of the third class for service as anchorage patrol boat in New York Harbor, such vessel to be especially constructed with adequate equipment for ice breaking, at a cost not to exceed the sum of $110,000; and one steam revenue cutter of the first class for service in waters of the Pacific coast, at a cost not to exceed the sum of $350,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 4168) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 4352) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGLEY managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 4552) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGLEY managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4158) to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md., and it was thereupon signed by the Vice President.

HOUR OF MEETING TO-MORROW.

Mr. GORE. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 14, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 13, 1914.

SECRETARIES OF EMBASSIES.

Charles B. Curtis, of New York, lately secretary of the legation and consul general at Santo Domingo, to be second secretary of the embassy of the United States of America at Rio de Janeiro, Brazil, vice Franklin Mott Gunther, appointed secretary of the legation at Christiania.

Elbridge Gerry Greene, of Massachusetts, to be third secretary of the embassy of the United States of America at London, England, vice Hallett Johnson, nominated to be third secretary of the embassy at Constantinople.

Hallett Johnson, of New Jersey, now third secretary of the embassy at London, to be third secretary of the embassy of the United States of America at Constantinople, Turkey, vice H. F. Arthur Schoenfeld, appointed secretary of the legation to Paraguay and Uruguay.

Louis A. Sussdorff, jr., of New York, to be third secretary of the embassy of the United States of America at Paris, France, vice Warren D. Robbins, appointed second secretary of the embassy at Mexico.

SECRETARIES OF LEGATIONS.

Frederic Ogden de Billier, of the District of Columbia, now secretary of legation to Greece and Montenegro, to be secretary of the legation of the United States of America at La Paz, Bolivia, vice Charles E. Stangeland.

Warren D. Robbins, of Massachusetts, now second secretary of the embassy at Mexico, to be secretary of the legation of the United States of America at Guatemala, Guatemala, vice Hugh R. Wilson.

SECRETARIES OF LEGATIONS AND CONSULS GENERAL.

William Walker Smith, of Ohio, now secretary of the legation and consul general at Santo Domingo, to be secretary of the legation and consul general of the United States of America at Bangkok, Siam, vice Sheldon L. Crosby.

John C. White, of Maryland, now third secretary of the embassy at Mexico, to be secretary of the legation and consul general at Santo Domingo, Dominican Republic, vice William Walker Smith, nominated to be secretary of the legation and consul general at Bangkok.

UNITED STATES ATTORNEYS.

Frank A. O'Connor, of New Hampton, Iowa, to be United States attorney for the northern district of Iowa, vice A. Van Wagenen, removed.

Thomas D. Slattery, of Maysville, Ky., to be United States attorney for the eastern district of Kentucky, vice Edwin Porch Morrow, resigned.

UNITED STATES MARSHAL.

Harry A. Bishop, of Juneau, Alaska, to be United States marshal, first division of the District of Alaska, vice Herbert L. Faulkner, removed.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Guy H. Burrage to be a captain in the Navy from the 28th day of April, 1914.

Lieut. Commander Irvin V. G. Gillis to be a commander in the Navy from the 1st day of July, 1913.

Garland E. Faulkner, a citizen of Virginia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 5th day of May, 1914.

Joy A. Omer, a citizen of Kansas, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 6th day of May, 1914.

Charles Wheatley, a citizen of the District of Columbia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 8th day of May, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 13, 1914.

ASSISTANT REGISTER OF THE TREASURY.

John Floyd King to be Assistant Register of the Treasury.

RECEIVER OF PUBLIC MONEYS.

Edmund James to be receiver of public moneys at Carson City, Nev.

POSTMASTERS.

ILLINOIS.

George H. Luker, Staunton.
Henry J. Richardson, Pecatonica.

MARYLAND.

Thomas Y. Franklin, Berlin.
Oliver C. Giles, Elkton.

MINNESOTA.

Edward A. Purdy, Minneapolis.

PENNSYLVANIA.

Harvey Zeigler, Red Lion.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 13, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we thank Thee for this new day, with its new duties and obligations, hopes and aspirations. Increase our faith and confidence in Thee that with perfect trust in Thy presence we may strive to do something worth while, something that will add to the sum of human happiness, and give strength to our character that we may march on to whatever awaits us with the full consciousness that all will be well. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4158. An act to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md.

ELECTIONS TO COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to elect some gentlemen to fill vacanies in standing committees of the House.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed to the election of certain gentlemen to fill vacancies on committees. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I move the election of the gentlemen whose names I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report the names.

The Clerk read as follows:

JOHN A. KEY, of Ohio, chairman of the Committee on Pensions; C. C. HARRIS, of Alabama, Pensions, Revision of the Laws, and Public Lands; JAMES A. GALLIVAN, of Massachusetts, Foreign Affairs.

The SPEAKER. Are there any other nominations? If not, the vote will be upon the names submitted.

The question was taken, and the Members named were elected.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report an urgent deficiency bill. (H. Rept. 669.)

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

PENSION BILLS.

Mr. RUSSELL. Mr. Speaker, I ask to take from the Speaker's table the bill S. 4168, and insist upon the House amendment and agree to a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table Senate bill 4168 and insist on the House amendments and agree to a conference.

Mr. MANN. Is that a private pension bill?

Mr. RUSSELL. It is.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees.

The Clerk read as follows:

Mr. ADAIR, Mr. RUSSELL, and Mr. LANGLEY.

Mr. RUSSELL. Mr. Speaker, I ask the same order in reference to the bill S. 4352.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Missouri asks to take from the Speaker's table Senate bill 4352, to insist on House amendments, and agree to a conference. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the same conferees.

Mr. RUSSELL. Mr. Speaker, I ask the same order in reference to the bill S. 4552.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Missouri asks to take from the Speaker's table Senate bill 4552 and insist on the House amendments and agree to a conference. Is there objection? [After a pause.] The Chair hears none, and the Chair appoints the same conferees.

MINORITY REPORT ON ANTITRUST BILL.

Mr. NELSON. Mr. Speaker, on behalf of Mr. MORGAN of Oklahoma, Mr. VOLSTEAD, and myself, minority members of the Judiciary Committee, I ask unanimous consent to file minority views (H. Rept. 627, pts. 3 and 4)——

The SPEAKER. On what?

Mr. NELSON. On the antitrust bill reported recently by the full committee.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent, on behalf of himself and certain other members of the Judiciary Committee, to file minority views on the antitrust bill. The Chair would inquire if that bill has been reported?

Mr. NELSON. The bill has been reported.

The SPEAKER. The gentleman asks leave to file minority views.

Mr. NELSON. I would like to say it is on the so-called Clayton bill on antitrust subjects.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, is there any time limit fixed in which these views must be filed?

Mr. NELSON. I intend to file them at once, to-day.

Mr. BORLAND. Forthwith?

Mr. NELSON. Yes.

CALENDAR WEDNESDAY.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This is Calendar Wednesday and the unfinished business is House bill 15578——

Mr. WINGO. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WINGO. To make the point of no quorum.

The SPEAKER. The gentleman makes the point of order that no quorum is present, and the Chair will count. [After counting.] One hundred and fifteen Members are present; not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama moves a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Aiken	Broussard	Clayton	Elder
Ainey	Brown, W. Va.	Connolly, Iowa	Fairchild
Allen	Browne, Wis.	Crisp	Farr
Ashbrook	Bruckner	Dale	Finley
Ansberry	Burke, Pa.	Deitrick	Floyd, Ark.
Baltz	Butler	Dershem	Francis
Barchfeld	Calder	Difenderfer	Gardner
Beall, Tex.	Callaway	Donohoe	Garrett, Tenn.
Bell, Ga.	Campbell	Dooling	George
Blackmon	Carew	Driscoll	Gittins
Bowdle	Carlin	Dyer	Goeke
Brodbeck	Clark, Fla.	Edmonds	Goulden
Graham, Pa.	Langham	Morin	Shackleford
Griest	Langley	Moss, W. Va.	Sherley
Griffin	Lee, Pa.	Mott	Slayden
Gudger	L'Engle	Oglesby	Smith, Idaho
Hamill	Lenroot	O'Hair	Smith, Tex.
Hardwick	Lesher	O'Shaunessy	Stafford
Hart	Lindquist	Palmer	Stanley
Hobson	Linthicum	Peters, Me.	Stephens, Miss.
Houston	Lobeck	Platt	Switzer
Hoxworth	Loft	Porter	Taggart
Hughes, W. Va.	Logue	Reilly, Conn.	Talbott, Md.
Hulings	McClellan	Riordan	Taylor, Ala.
Humphreys, Miss.	McGillicuddy	Roberts, Mass.	Townsend
Johnson, S. C.	Maher	Rogers	Treadway
Jones	Manahan	Rothermel	Tuttle
Kelly, Pa.	Martin	Rubey	Vare
Kettner	Merritt	Rupley	Wallin
Kirkpatrick	Metz	Sabath	Wilson, N. Y.
Kitchin	Miller	Saunders	Woods
Lafferty	Moore	Scully	

The SPEAKER. On this roll call 305 Members have responded to their names, a quorum. The Doorkeeper will open the doors.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to dispense with further proceedings under the call.

The motion was agreed to.

LAWS RELATING TO THE JUDICIARY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 15578. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Missouri [Mr. RUSSELL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary. The Clerk will read.

The Clerk read as follows:

SEC. 62. The clerk of the Supreme Court, on the 1st day of January in each year, or within 30 days thereafter, shall, on a form prescribed by the Attorney General, make to the Attorney General a return, under oath, of all fees and costs collected by him in cases disposed of at the preceding term or terms of the court, and of all emoluments collected by him, and after deducting from such collections the sum of $6,000 as his annual compensation, and the incidental expenses of his office, including clerk hire, such expenses to be certified by the Chief Justice and audited and allowed by the proper accounting officers of the Treasury, shall at the time of making such return pay any surplus that may remain into the Treasury of the United States.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to recur to page 26 for the purpose of offering a short amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] asks unanimous consent to return to page 26 of the bill, for the purpose of offering an amendment. Is there objection?

Mr. WATKINS. Mr. Chairman, I reserve the right to object, and wish to make this statement: We were on that section last Wednesday, and the Members had an opportunity from then until to-day, one entire week, to be ready this morning, the section being held over for amendments to be offered to it if they desired to do so. This morning no amendments were offered. If we were to recur to that section, I have information that several Members here desire to offer amendments to it, and we will be detained here, I do not know how long, but at least during the day, discussing the various amendments that might be proposed to be offered to this section, on which section we have waited an entire week for purposes of amendment. Therefore I object.

Mr. HOWARD. I hope the gentleman will reserve his objection.

Mr. WATKINS. I still reserve the right to object.

Mr. HOWARD. Mr. Chairman, as to the status of this section this morning, I had prepared an amendment to present to the commitee at this particular point. I consulted with my colleague from Georgia [Mr. BARTLETT] about it, and he said it would be ripe for amendment. The gentleman from Arkansas [Mr. WINGO] made the point of no quorum, and while the roll was being called I was temporarily absent from the Chamber on an important matter, and I did not have an idea that this section would be passed before I could return. Now, I am frank to say to the gentleman from Louisiana [Mr. WATKINS] that my amendment seeks to increase the salary of the district attorney in the northern district of Georgia. I think the amendment has much merit in it. I believe that the committee would agree that this particular officer's salary should be increased in view of the facts that I am able to submit, and I guarantee to the gentleman from Louisiana that I will not take over three min-

utes in which to present an amendment and the facts, and if the committee does not agree that this officer should receive an increase in his salary that, as far as I am concerned, will end it.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. WATKINS] withdraw his objection?

Mr. WATKINS. Mr. Chairman, I would do so in this particular case if it were not for other cases of the same kind that would come up. The district attorney whose salary the gentleman wishes to increase is now getting a salary of $5,000 a year, which is twice the salary the United States district attorney is getting in my district and much larger than a majority of the salaries. I object, Mr. Chairman.

The Clerk read as follows:

SEC. 63. The salary of the clerks of the circuit courts of appeals shall be $3,500 a year, to be paid in equal proportions quarterly; and they may also retain from the fees and emoluments of their respective offices, after deducting necessary office expenses, including clerk hire, the sum of $500: *Provided*, That the clerk of the court of the fifth circuit is authorized to pay, out of the fees and emoluments of his office, the necessary expenses incurred by him in transporting from his office in New Orleans to Atlanta, Fort Worth, and Montgomery, and from Atlanta, Fort Worth, and Montgomery to New Orleans, the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held at Atlanta, Fort Worth, and Montgomery, and an allowance for actual expenses not exceeding $10 a day to cover travel and subsistence for each day he may be required to be present at Atlanta, Fort Worth, or Montgomery on business connected with said office, such expenses and allowance to be approved and allowed by the senior circuit judge of said circuit.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. This section fixes the salaries of the clerks of the court at $3,500 and $4,000 a year, and then there is this peculiar proviso, that the clerk in the fifth circuit, the one that it has in New Orleans, shall have $10 a day for subsistence and traveling expenses, and also his necessary expenses in transporting from the office in New Orleans papers to Atlanta, Fort Worth, and Montgomery and back. Now, all of those districts have district courts located at one place, and a number of the circuit courts of appeals meet in different places. Now why should they make a special exception in the case of the clerk at New Orleans which does not extend to the other clerks of the courts of appeals?

Mr. WATKINS. I suppose that is a definite question to which the gentleman wants an answer?

Mr. MANN. Yes.

Mr. WATKINS. My answer is this, that the committee did not feel authorized to strike out the existing law. That is a separate and distinct enactment of Congress, and it had for its object a purpose at the time. That purpose is no longer served; but not feeling authorized to strike out the existing law, we have left it as we found it in the existing statute. If the gentleman makes a motion to strike it out, there will be no objection interposed by the committee.

Mr. MANN. I move to strike out the proviso in section 63.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 31, line 8, strike out the proviso, beginning on line 8, down to and including line 21.

Mr. HOWARD. Mr. Chairman, as this is a very important amendment, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixteen Members are present, a quorum. The Clerk will read. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 65. Clerks of the United States circuit courts of appeals, annually and within 30 days after the 30th day of June in each year, shall make a return to the Attorney General of the United States of all the fees and emoluments of their offices, respectively. Such return shall cover all fees and emoluments earned during the preceding year and also the necessary office expenses for such year, including clerk hire. Such expenses, including clerk hire, shall be certified by the senior circuit judge of the proper circuit, and audited and allowed by the proper accounting officers of the Treasury Department. The respective clerks of the circuit courts of appeals, after deducting such expenses and clerk hire, and the sum of $500, as provided by section 1418, shall, at the time of making such returns, pay into the Treasury of the United States the balance of such fees and emoluments. In case any item of expense, including clerk hire, is not allowed, the amount disallowed shall, within 10 days after notice of disallowance, be paid into the Treasury of the United States. It shall be unlawful for any clerk of a circuit court of appeals to include in his emolument account or return, any fee not actually earned and due at the time such return is required by law to be made; and no fee not actually earned shall be allowed in any such account.

Mr. WATKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 32, line 13, after the word "section," strike out "fourteen hundred and eighteen" and insert in lieu thereof the words "sixty-three."

Mr. WATKINS. Mr. Chairman, this is simply to correct a clerical error.

Mr. MANN. It should be "section 63 of this act," should it not?

Mr. WATKINS. That is understood, because it is used that way all the way through.

Mr. MANN. All right.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I notice in other places, where sections are referred to, you use the language "section of this chapter." For instance, on page 29, line 13, "section 7586 of this chapter," which means this act.

Mr. WATKINS. There is no objection to adding that to the amendment.

Mr. MANN. The only reason why I call attention to it is that in the original law it referred to a section of the Revised Statutes.

Mr. WATKINS. That is correct. An amendment should be added to it, saying, "in this bill."

Mr. MANN. It should be "section 63 of this chapter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment, after the word "sixty-three" the words "of this chapter."

Mr. WATKINS. That is not quite correct. That refers to section 63 of the bill. There are not 63 sections in this chapter. It should be "in this bill" or "in this act."

Mr. MANN. Say "in this act." I used that word because it said "this chapter" in other places.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Strike out the word "chapter" and insert in lieu thereof the word "act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

FEES OF CLERKS OF DISTRICT COURTS.

SEC. 66. For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire, or a summons or subpœna for a witness, $1.

For issuing a writ of summons or subpœna for a witness or witnesses, 25 cents.

For filing and entering every declaration, plea, or other paper, 10 cents.

For administering an oath or affirmation, except to a juror, 10 cents.

For taking an acknowledgment, 25 cents.

For taking and certifying depositions to file, 20 cents for each folio of 100 words.

For a copy of such deposition furnished to a party on request, 10 cents a folio.

For entering any return, rule, order, continuance, judgment, decree, or recognizance, or drawing any bond, or making any record, certificate, return, or report, for each folio, 15 cents: *Provided*, That the record of any one day relating to one proceeding or series of interdependent or closely related proceedings, such as are usually had at the same time or in immediate succession, shall be considered as constituting not more than one entry.

For making and forwarding transcripts on the transfer of criminal cases from one division of a district to another, 10 cents per folio, to be taxed against and paid by the United States when such costs can not be collected from the defendant.

For a copy of any entry or record or of any paper on file, for each folio, 10 cents; but no fee shall be allowed for copies of subpœnas.

For making dockets and indexes, issuing venire, taxing costs, and all other services, on the trial or argument of a cause where issue is joined and testimony given, $3.

For making dockets and indexes, taxing costs, and all other services, in a cause where issue is joined but no testimony is given, $2.

For making dockets and indexes, taxing costs, and other services, in a cause which is dismissed or discontinued, or where judgment or decree is made or rendered without issue, $1.

For making dockets and taxing costs, in cases removed by writ of error or appeal, $1.

For affixing the seal of the court to any instrument, when required, 20 cents.

For every search for any particular mortgage, judgment, or other lien, 15 cents.

For searching the records of the court for judgments, decrees, or other instruments constituting a general lien on real estate, and certifying the result of such search, 15 cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money, in pursuance of any statute or order of court, 1 per cent on the amount so received, kept, and paid.

For all services in connection with the admission of an attorney to practice in the district court, including the furnishing of a certificate of admission or a copy of the record of admission, $1.

For traveling from the office of the clerk, where he is required to reside, to the place of holding any court required by law to be held, 5 cents a mile for going and 5 cents for returning, and $5 a day for his attendance on the court while actually in session.

All books in the offices of the clerks of the district courts, containing the docket or minute of the judgments, or decrees thereof, shall, during office hours, be open to the inspection of any person desiring to examine the same, without any fees or charge therefor.

Mr. WATKINS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Page 34, line 8, after the word "subpœnas," strike out the period and insert the words "for witnesses, or for attaching certificate or affixing the seal of the court thereto."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I offer another amendment.

The CHAIRMAN (Mr. BYRNS of Tennessee). The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Page 35, line 12, after the word "admission," insert the words "and the entry of the order of admission."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 17, after the word "session," strike out the period and insert a colon and the following: "*Provided*, That mileage shall be allowed the clerk for travel to draw jurors when such travel is made by the clerk under the order of the court."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. As to this new provision, inserted at the top of page 34, I suppose that is in relation to the stenographers?

Mr. WATKINS. Not particularly; no, sir. I think that refers to any transcript that is made. The commission thought it was safe to put that in there, because there was a question raised as to whether they would be able to pay for transcripts.

Mr. MANN. Why should these costs be taxed against the United States?

Mr. WATKINS. For this reason: There are some cases that arise, for instance, in the cases of paupers, where that would be advisable; and we have already passed, in one of these amendments, a provision that where the parties were not able to appeal and make a showing to the court that they were not able to pay the costs, that would be done. And whenever the aggregate of the clerk's costs amounts to over $5,000, under this provision the clerk gets $5,000 for his salary; but where the aggregate does not amount to that, it is less than $5,000, and that was counted as a part of his earnings.

Mr. MANN. So that the effect of this is practically to tax the costs against the Government in those cases where the ordinary fees do not pay the full salary of the clerk?

Mr. WATKINS. Yes.

Mr. MANN. In other cases it would be paid in and paid back to the Government.

Mr. WATKINS. Certainly.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 67. No clerk of a district court shall be allowed by the Attorney General, except as provided in the next succeeding section, to retain of the fees and emoluments of his office, including fees in naturalization proceedings and for admission to practice, for his personal compensation, over and above his necessary office expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $5,000 a year, or exceeding that rate for any time less than a year.

Mr. MANN. I move to strike out the last word.

Mr. WATKINS. I have a committee amendment which I should like to submit.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn. The gentleman from Louisiana [Mr. WATKINS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 35, line 23, strike out the section and insert in lieu thereof the following:

"No clerk of a district court shall be allowed by the Attorney General, except as provided in the next succeeding section and under section 13 of the act of June 29, 1906, entitled 'An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States,' to retain of the fees and emoluments of his office, including the fees for admission of attorneys to practice, for his personal compensation, over and above his necessary office expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $5,000 a year, or exceeding that rate for any time less than a year."

The CHAIRMAN. Now, the Chair will recognize the gentleman from Illinois.

Mr. MANN. Mr. Chairman, when I moved to strike out the last word, I intended to ask the gentleman in regard to this naturalization. I am afraid that the gentleman's amendment does not cover the case. As I understand it, the amendment only makes an exception of a section in the immigration and naturalization act; but there have been several provisions since, carried in appropriation acts, in relation to clerk-hire services in naturalization cases. The immigration act is uncertain and doubtful as to its meaning on this subject. The naturalization cases in New York and Chicago were practically held up, and we passed a new provision in one of the appropriation acts—I think it was in an appropriation act—and that was not successful. Then, if I remember correctly, we passed another provision in another appropriation act, although I am not sure of that, before we got the question of clerk hire in naturalization cases disposed of. Now, I am afraid, if this provision goes in in the way it is and becomes a law, the result will be that you can not naturalize citizens over in New York after you have naturalized a certain number. Unless the gentleman has examined that recent legislation carefully, I would suggest to him that he pass this over and look that up.

Mr. WATKINS. I have no objection at all to doing that, but we tried to thrash that out, and went over it as carefully as we possibly could, and then finally submitted it to the Department of Justice.

Mr. MANN. If the gentleman would submit it to the Bureau of Naturalization, he would probably get a great deal more information than he could from the Department of Justice.

Mr. WATKINS. If we could get any more light on the subject and make it any more accurate, I should be willing to pass this over and get further information about it; but we went over this with extra care, so as to get this particular section, as we thought, in proper shape.

Mr. MANN. I remember very distinctly that after the immigration and naturalization act became a law it provided that a certain amount might be used for the payment of clerk hire from the fees that came from the naturalization business; and naturalization stopped in a number of the courts, because it was impossible to do the work without extra clerk hire, and they reached the limit under that act. Since then, as I say, we have had one or two acts in reference to the subject in some of the appropriation acts. I think it would be wise for the gentleman to consult the Bureau of Naturalization on the subject before putting this into the law.

Mr. WATKINS. I have no objection to allowing the amendment to be pending and to pass it over temporarily.

The CHAIRMAN. Does the gentleman make that request?

Mr. WATKINS. That it be passed over by unanimous consent.

Mr. HOWARD. Does this require unanimous consent?

The CHAIRMAN. Yes.

Mr. MANN. I hope the gentleman will not object to that.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the section with the amendment pending be passed over. Is there objection?

Mr. WINGO. Reserving the right to object, this is a very important bill. Everybody seems to be anxious to get through with it, and everybody seems to be anxious to get home. I do not think we ought to go home before we pass this important bill. That seems to be the serious intention of the serious statesmen of this House.

Mr. MANN. I think the gentleman voted to consider it. I did not.

Mr. WINGO. No; I voted my convictions on the parliamentary situation.

Mr. MANN. That was not a conviction.

Mr. WINGO. I call attention to the fact that there is no quorum present, and make the point of no quorum.

Mr. MANN. I compliment the gentleman. You never can bother me by making the point of no quorum, but if gentlemen do not stop filibustering pretty soon I shall be obliged to call attention to it.

The CHAIRMAN. The gentleman from Arkansas makes the point that there is no quorum present. The Chair will count. [After counting.] Sixty Members present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Dooling	Kitchin	Plumley
Ainey	Doremus	Knowland, J. R.	Porter
Allen	Driscoll	Lafferty	Post
Ansberry	Dyer	La Follette	Reilly, Conn.
Ashbrook	Edmonds	Langham	Riordan
Avis	Elder	Langley	Roberts, Mass.
Barchfeld	Fairchild	Lee, Pa.	Rogers
Bathrick	Farr	L'Engle	Rothermel
Beall, Tex.	Finley	Lenroot	Rubey
Bell, Ga.	Fitzgerald	Lesher	Rucker
Bowdle	Floyd, Ark.	Levy	Rupley
Brodbeck	Francis	Lewis, Md.	Sabath
Broussard	Garrett, Tenn.	Lindbergh	Scully
Brown, N. Y.	George	Lindquist	Shackleford
Brown, W. Va.	Gittins	Linthicum	Sherley
Browne, Wis.	Goldfogle	Lloyd	Slayden
Bruckner	Gordon	Lobeck	Slemp
Brumbaugh	Gorman	Loft	Small
Buchanan, Ill.	Goulden	Logue	Smith, N. Y.
Bulkley	Graham, Pa.	McClellan	Smith, Tex.
Burgess	Gregg	McGillicuddy	Sparkman
Burke, Pa.	Griest	McGuire, Okla.	Stafford
Butler	Griffin	Maher	Stanley
Calder	Gudger	Manahan	Stephens, Miss.
Callaway	Hamill	Martin	Stout
Campbell	Hamilton, N. Y.	Merritt	Sutherland
Cantor	Hardwick	Metz	Switzer
Cantrill	Hart	Miller	Taggart
Carew	Hawley	Moore	Talbott, Md.
Carlin	Helgesen	Morin	Talcott, N. Y.
Casey	Houston	Mott	Taylor, Ala.
Clancy	Howell	Neeley, Kans.	Taylor, N. Y.
Clark, Fla.	Hoxworth	Nelson	Ten Eyck
Clayton	Hughes, Ga.	Nolan, J. I.	Thompson, Okla.
Collier	Hughes, W. Va.	O'Brien	Townsend
Connolly, Iowa	Humphreys, Miss.	Oglesby	Underhill
Conry	Johnson, S. C.	O'Hair	Vare
Crisp	Jones	O'Leary	Walker
Crosser	Keating	O'Shaunessy	Wallin
Dale	Kelly, Pa.	Paige, Mass.	Whitacre
Davis	Kennedy, Iowa	Palmer	Willis
Deitrick	Kennedy, R. I.	Parker	Wilson, N. Y.
Dershem	Kettner	Patten, N. Y.	Winslow
Dies	Kiess, Pa.	Peters, Me.	
Difenderfer	Kinkaid, Nebr.	Peterson	
Donohoe	Kirkpatrick	Platt	

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and finding itself without a quorum, had caused the roll to be called; that 252 Members had answered to their names; and he reported a list of the absentees.

The committee resumed its session.

Mr. WATKINS. Mr. Chairman, at the time the point of no quorum was made there was a request pending to pass over section 67, with reference to the fees of clerks.

Mr. TOWNER. Mr. Chairman, as I understand it, the gentleman from Louisiana has offered an amendment in the nature of a substitute.

Mr. WATKINS. That is correct.

Mr. TOWNER. I would like to offer an amendment as a substitute for the gentleman's amendment. Will it be for consideration now, or does the gentleman wish to have the section passed over without further consideration?

Mr. WATKINS. If the gentleman will offer his amendment, I will then renew my request to have it passed over.

Mr. TOWNER. Mr. Chairman, I will offer the amendment and ask that it be printed in the RECORD without reading at the present time, and that I may make a short statement in regard to the nature of it.

The substitute which I offer is, in substance, a bill introduced by the chairman of the Judiciary Committee [Mr. CLAYTON]. It is a bill that was well considered and was, as I understand, unanimously reported by the Judiciary Committee. Under the present system and the gentleman's amendment the clerk and the deputy clerk are paid by fees, which I think, it is unnecessary to argue, is a thing we should abolish if possible.

It was with that object in view that this bill was introduced by the gentleman from Alabama [Mr. CLAYTON]. It fixes definitely the salary of all clerks ranging from $2,500 to $4,500, according to the various districts and according to the amount of work it is supposed they will do. It provides that all fees shall be paid into the Treasury of the United States. It is a well-considered bill, and I think ought to be substituted for the present iniquitous system which practically pays all clerks $5,000 a year, and allows it to be paid out of the fees of the office in such a manner that complaint is continually being made all over the country in regard to the practical operation of the law. I ask that this amendment may be printed and considered when the section comes up for consideration.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his amendment be printed. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that this section be passed over.

Mr. WINGO. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. If this request is agreed to, when the section is considered again will other amendments be in order, or will only these two amendments be in order?

The CHAIRMAN. If the section is passed over by unanimous consent, when it comes up again for consideration it will be subject to other amendments.

Mr. WINGO. It comes up de novo?

The CHAIRMAN. Yes. Is there objection?

There was no objection.

The following is the amendment offered by Mr. TOWNER:

That all fees and emoluments authorized by law to be paid to clerks of United States district courts shall be charged as heretofore, and shall be collected by said clerks and covered into the Treasury of the United States; that it shall be the duty of all clerks of United States district courts to require payment in advance for services to be rendered by them otherwise than for the United States, except where the person requiring the services is relieved by law from prepayment of fees and costs; and that, subject to this limitation, the clerk shall account quarterly for all fees and emoluments earned within the quarter last preceding such accounting, and for all fees and emoluments received within the quarter which had been earned prior thereto: *Provided*, That the portion of the fees which the naturalization law allows clerks of the United States district courts to retain shall be accounted for to the United States, and be included in the quarterly accounting for naturalization fees required by law to be made, except that upon the approval of the Secretary of Commerce a clerk of any United States court collecting naturalization fees in excess of $6,000 in the fiscal year 1914, or in any fiscal year thereafter, may retain so much of $3,000 of naturalization fees in the following fiscal year as may be necessary to pay for the clerical assistants, for naturalization purposes only, which clerks of courts are required to employ by section 13 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596); and said clerks shall be paid for their official services salaries and compensation hereinafter provided, and not otherwise: *Provided further*, That this section shall not be construed to require or authorize fees to be charged against or collected from the United States.

SEC. 2. That the clerk of the United States district court for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per cents, and other compensations now allowed by law, an annual salary, as follows:

For the northern district of the State of Alabama, $4,500.
For the southern district of the State of Alabama, $3,500.
For the middle district of the State of Alabama, $3,500.
For the district of the State of Arizona, $3,000.
For the eastern district of the State of Arkansas, $4,000.
For the western district of the State of Arkansas, $3,000.
For the northern district of the State of California, $4,500.
For the southern district of the State of California, $4,500.
For the district of the State of Colorado, $4,500.
For the district of the State of Connecticut, $3,000.
For the district of the State of Delaware, $2,500.
For the northern district of the State of Florida, $3,000.
For the southern district of the State of Florida, $4,000.
For the northern district of the State of Georgia, $4,500.
For the southern district of the State of Georgia, $4,000.
For the district of the State of Idaho, $3,000.
For the northern district of the State of Illinois, $4,500.
For the southern district of the State of Illinois, $4,000.
For the eastern district of the State of Illinois, $4,000.
For the district of the State of Indiana, $4,500.
For the northern district of the State of Iowa, $3,000.
For the southern district of the State of Iowa, $4,500.
For the district of the State of Kansas, $4,500.
For the eastern district of the State of Kentucky, $4,500.
For the western district of the State of Kentucky, $4,500.
For the eastern district of the State of Louisiana, $4,500.
For the western district of the State of Louisiana, $4,000.
For the district of the State of Maine, $4,500.
For the district of the State of Maryland, $3,500.
For the district of the State of Massachusetts, $4,500.
For the eastern district of the State of Michigan, $3,500.
For the western district of the State of Michigan, $3,500.
For the district of the State of Minnesota, $4,500.
For the northern district of the State of Mississippi, $3,500.
For the southern district of the State of Mississippi, $4,000
For the eastern district of the State of Missouri, $4,500.
For the western district of the State of Missouri, $4,500.
For the district of the State of Montana, $3,500.
For the district of the State of Nebraska, $4,500.
For the district of the State of Nevada, $2,500.
For the district of the State of New Hampshire, $2,500.
For the district of the State of New Jersey, $4,500.
For the district of the State of New Mexico, $3,000.
For the northern district of the State of New York, $4,500.
For the southern district of the State of New York, $4,500.

For the eastern district of the State of New York, $4,500.
For the western district of the State of New York, $4,500.
For the eastern district of the State of North Carolina, $3,500.
For the western district of the State of North Carolina, $4,500.
For the district of the State of North Dakota, $3,000.
For the northern district of the State of Ohio, $4,500.
For the southern district of the State of Ohio, $4,500.
For the eastern district of the State of Oklahoma, $3,500.
For the western district of the State of Oklahoma, $4,000.
For the district of the State of Oregon, $4,500.
For the eastern district of the State of Pennsylvania, $4,500.
For the middle district of the State of Pennsylvania, $4,000.
For the western district of the State of Pennsylvania, $4,500.
For the district of the State of Rhode Island, $2,500.
For the district of the State of South Carolina, $4,000.
For the district of the State of South Dakota, $4,000.
For the eastern district of the State of Tennessee, $3,500.
For the middle district of the State of Tennessee, $3,500.
For the western district of the State of Tennessee, $3,500.
For the northern district of the State of Texas, $4,000.
For the southern district of the State of Texas, $3,500.
For the eastern district of the State of Texas, $3,500.
For the western district of the State of Texas, $3,500.
For the district of the State of Utah, $3,000.
For the district of the State of Vermont, $2,500.
For the eastern district of the State of Virginia, $4,500.
For the western district of the State of Virginia, $4,500.
For the eastern district of the State of Washington, $3,000.
For the western district of the State of Washington, $4,500.
For the northern district of the State of West Virginia, $4,500.
For the southern district of the State of West Virginia, $4,500.
For the eastern district of the State of Wisconsin, $3,500.
For the western district of the State of Wisconsin, $3,500.
For the district of the State of Wyoming, $3,000.

SEC. 3. That the clerk of the district court, when attending court at any place other than his official residence, and when otherwise necessarily absent from his official residence on official business, shall be allowed his necessary expenses for lodging and subsistence, not exceeding $4 per day, and his actual necessary traveling expenses. An account of such expenses shall be made quarterly, in accordance with such rules and regulations as may be prescribed by the Attorney General, and shall be verified on oath before any officer authorized to administer oaths: *Provided*, That said account for expenses shall have attached thereto the certificate of the district judge that the expenses charged were incurred when attending court at a place other than the official residence of the clerk or when otherwise necessarily absent from his official residence on official business. The expense accounts of the clerks, when made out and certified in accordance with this act, shall be paid by the marshal, who shall make such return thereof as may be prescribed by the Attorney General.

SEC. 4. That the necessary office expenses of the clerks of the United States district courts shall be allowed when authorized by the Attorney General. And when in the opinion of the Attorney General the public interest requires it, he may, on the recommendation of the clerk, which recommendation shall state the facts as distinguished from conclusions showing necessity for the same, allow the clerk to employ necessary deputies and clerical assistants, upon salaries to be fixed by the Attorney General from time to time and paid as hereinafter provided. When any of such deputies or clerical assistants is necessarily absent from the place of his regular employment on official business he shall be allowed his actual traveling expenses only and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day. And he shall make and render accounts thereof quarterly, in accordance with such rules and regulations as may be prescribed by the Attorney General, and shall be verified on oath before any officer authorized to administer oaths: *Provided*, That said accounts for expenses shall have attached thereto the certificate of the clerk that the expenses charged were incurred by the deputy or clerical assistant when necessarily absent from the place of his regular employment on official business. The expense accounts of the deputies or clerical assistants when made out and certified in accordance with this act shall be paid by the marshal, who shall make such return thereof as may be prescribed by the Attorney General.

SEC. 5. That all salaries provided by this act shall be paid monthly by the United States marshals for the several districts under such regulations as may be prescribed by the Attorney General.

SEC. 6. That none of the provisions of this act shall be so construed as to prevent or affect the amount of taxation of costs against the unsuccessful party in civil proceedings or against defendants convicted of crimes or misdemeanors.

SEC. 7. That any clerk of a United States district court whose compensation is fixed by section 2 of this act who shall directly or indirectly demand, receive, or accept any compensation for the performance of any official service as such clerk other than is herein provided, or shall willfully fail or neglect to account for or pay over any fees or emoluments collected by him, shall, upon conviction thereof, be punished by a fine of not less than $50 nor more than $500, or by imprisonment, at the discretion of the court, not exceeding five years, or by both such fine and imprisonment.

SEC. 8. That no clerk or deputy clerk of a district court of the United States, or other person employed in such clerk's office shall be appointed a receiver or master in any case whatsoever.

The Clerk read as follows:

MARSHALS' FEES.

SEC. 71. For service of any warrant, attachment, summons, capias, or other writ, except execution, venire, or a summons or subpœna for a witness, $2 for each person on whom service is made.

For the keeping of personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow.

For serving venires and summoning every 12 men as grand or petit jurors, $4, or 33⅓ cents each.

For holding a court of inquiry or other proceedings before a jury, including the summoning of a jury, $5.

For serving a writ of subpœna on a witness, 50 cents; and no further compensation shall be allowed for any copy, summons, or notice for a witness.

For serving a writ of possession, partition, execution, or any final process, and for making the service, seizing or levying on property, a fee of $2, and the same mileage as is allowed for the service of any other writ; and for advertising and disposing of the same by sale, set-off, or otherwise according to law receiving and paying over the money, a fee of $2, and a commission of 2½ per cent on any sum under $500, and 1½ per cent on the excess of any sum over $500.

For each bail bond, 50 cents.

For summoning appraisers, 50 cents each.

For executing a deed prepared by a party or his attorney, $1.

For drawing and executing a deed, $5.

For copies of writs or papers furnished at the request of any party, 10 cents a folio.

For every proclamation in admiralty, 30 cents.

For serving an attachment in rem or a libel in admiralty, $2.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would ask the gentleman whether the insertion here in reference to the commission on sales, and so forth, is what the existing law provides—

One and one-fourth per cent on the excess of any sum over $500.

Is that the same, or is it an increase or a decrease in the fees for making a sale?

Mr. WATKINS. Mr. Chairman, I think that is the same as in other cases. It is the same as in admiralty cases. I think this item in this particular class of cases is the same allowed in similar cases.

Mr. MANN. This particular class of cases covers all of the sales that the marshal makes. If he sells a railroad for several million dollars, a percentum of 1¼ per cent is rather a large fee. What I want to know is whether this is increasing his fees or decreasing his fees or giving him the same amount he gets now, or whether it is a change of law in any other respect?

Mr. WATKINS. Mr. Chairman, as far as my recollection goes, it is the same.

Mr. MANN. It is inserted here as new matter.

Mr. WATKINS. Oh, yes; that is recommended by the commission.

Mr. MANN. I do not care whether it was recommended by the commission or not.

Mr. WATKINS. That is the reason it is printed in italic.

Mr. MANN. It seems to me that a commission of 1¼ per cent on a sale of some millions of dollars is a very large commission.

Mr. WINGO. Mr. Chairman, I would ask the chairman of the committee a question for information. I call his attention to the first paragraph in section 71, which provides for the service of any warrant, attachment, summons, and so forth, or summons or subpœna for a witness, $2, and then further down, in line 14, there is a provision that for serving a writ of subpœna upon a witness the fee shall be 50 cents. What is the distinction?

Mr. WATKINS. The language in line 14 refers simply to a summons that is served on a witness to come into court, and the other refers to the process which is served under order of the court.

Mr. WINGO. In other words, if an ordinary subpœna is issued for a witness by the clerk, upon the customary order having been made, he gets only 50 cents?

Mr. WATKINS. That is right.

Mr. WINGO. But if the court during the pendency of a case orders a subpœna from the bench, he gets $2 for it?

Mr. WATKINS. That is right.

Mr. WINGO. Why the distinction?

Mr. WATKINS. I do not make the distinction. The original law enacted by Congress makes the distinction. We have simply left it there, because there may be cases where it would entail greater responsibility on the part of the officer, or because of the fact that it may be more technical and more difficult to attend to that class of work. It is established law, and has been from time immemorial.

Mr. WINGO. The object I had in mind in making the inquiry was to ascertain why the distinction is made. I have never yet been able to ascertain.

The Clerk read as follows:

SEC. 72. The United States marshal for each judicial district of the United States shall be paid, in lieu of all fees, per cents, and other compensation, an annual salary as follows: For the northern and middle districts of the State of Alabama, each, $4,000; for the southern district of the State of Alabama, $3,000; for the district of Arizona, $4,000; for the eastern and western districts of Arkansas, each, $4,000; For the northern and southern districts of California, each, $4,000; For the district of Colorado, $4,000; for the district of Connecticut, $2,500; for the district of Delaware, $2,000; for the District of Columbia, $5,500; for the northern and southern districts of Florida, each, $3,000; for the northern district of Georgia, $5,000; for the southern district of Georgia, $3,500;

For the district of Idaho, $4,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The gentleman will notice that the salary of the marshal for the district of Connecticut is fixed at $2,500. My recollection is that we passed a law increasing that salary.

Mr. WATKINS. The gentleman is correct. It was increased from $2,000 to $2,500.

Mr. MANN. Oh, that was the increase and this carries the law?

Mr. WATKINS. Yes.

The Clerk read as follows:

SEC. 75. Each field deputy marshal shall, as his compensation, receive the gross fees, including mileage, as provided in section 71, earned by him, not to exceed $1,500 per fiscal year or at that rate for any part of a fiscal year; and, in addition, shall be allowed his actual necessary expenses, not exceeding $2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided further*. That in special cases, where in his judgment justice requires, the Attorney General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than the gross fees earned by such field deputy: *Provided further*, That field deputies shall be paid by the United States for services rendered and expenses incurred in serving and executing process in behalf of parties prosecuting or defending actions in forma pauperis, as provided by law.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is the gentleman quite sure of the effect of that last proviso, that field deputies shall be paid by the United States in pauper cases?

Mr. WATKINS. Mr. Chairman, I see no objection to it at all. It is recommended, and there ought to be some remuneration for it.

Mr. MANN. I can see that if the deputy needs that money to make up his salary, that is one thing; but apparently this is a direct provision that the United States shall pay to these deputies fees in pauper cases, and they shall get their salaries besides. A deputy marshal gets a salary, which is dependent also upon the fees that he earns and that are collected for the Government. His salary is paid out of those fees. I am correct about that, am I not?

Mr. WATKINS. Yes; a field deputy marshal.

Mr. MANN. Having provided that, you add a proviso that field deputies shall be paid by the United States for service rendered and expenses incurred in serving and executing process in pauper cases. Would not that be an addition to the salaries that they receive?

Mr. WATKINS. That was once submitted to the Comptroller of the Treasury, and I will read what the committee report states with reference to it. I read from part 1 of the report of the committee on this bill:

Section 75: A provision is added to section 11 of the act of May 28, 1896, authorizing the payment by the United States of fees in cases prosecuted or defended in forma pauperis. This is in view of a decision of a Comptroller of the Treasury that field deputies are not entitled to fees in such cases, which is considered by the commission as a manifest hardship, since the United States requires them to perform the services. Otherwise the section is identical with the law.

Mr. MANN. I do not think the comptroller decides the question that I am raising. The purpose the commission had in the language undoubtedly was to count these fees in determining what the deputy marshal might receive. The deputy marshal might be engaged in doing nothing else but serving writs, and so forth, in pauper cases, and would not receive any salary at all unless the Government paid it to him; but here you have already the provision that he shall be paid a certain salary out of his fees, and then, in addition, apparently, he is to be paid by the Government for serving the process in pauper cases.

Mr. WATKINS. There is no objection to changing those words "there shall be" to "shall charge" or any other suitable language.

Mr. MANN. I do not know what the best form of language would be.

Mr. TOWNER. Mr. Chairman, I suggest to the gentleman from Illinois [Mr. MANN] that the field deputy marshals are paid from fees exclusively, not to exceed $1,500, and that is to be measured by the gross fees received by the deputy marshal. It occurs to me that if these pauper fees were received by him they would be necessarily included in the gross fees, and that therefore they could not be added to the amount of $1,500 which he would receive if the fees amounted to that.

Mr. MANN. Well, I should question that. Here is the first provision that he shall receive out of the fees earned by him not to exceed $1,500 per annum. Then you provide, in addition to that, that the United States shall pay him the fees in the pauper cases.

Mr. TOWNER. Well, that would be subject to that interpretation unless it should be held, of course, that the fees included what he received from the pauper cases, and of course that could be cured by an amendment in either event.

Mr. WATKINS. If the gentleman will permit me, I will say it was supposed the last verbiage, "as provided by law," would safeguard it, but if the gentleman desires to safeguard the expression by placing in the language "or charged by," or any other language that will express it better, I have no objection, because we did not want him to get any more than the salary.

Mr. MANN. "Provided by law" only refers to the definition of what are pauper cases.

Mr. WATKINS. I thought it referred back to the charges.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

Mr. FALCONER. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Thirty-five Members are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Eagle	Kiess, Pa.	Porter
Ainey	Edmonds	Kirkpatrick	Post
Allen	Elder	Kitchin	Powers
Ansberry	Estopinal	Knowland, J. R.	Prouty
Anthony	Evans	Kreider	Riordan
Ashbrook	Fairchild	Lafferty	Roberts, Mass.
Barchfeld	Farr	La Follette	Rogers
Barkley	Finley	Langham	Rothermel
Bathrick	Fitzgerald	Langley	Rucker
Beall, Tex.	Flood, Va.	Lee, Ga.	Rupley
Bell, Ga.	Floyd, Ark.	Lee, Pa.	Sabath
Bowdle	Francis	L'Engle	Saunders
Brodbeck	Frear	Lenroot	Scully
Broussard	Garrett, Tenn.	Lesher	Shackleford
Brown, N. Y.	George	Lever	Sharp
Brown, W. Va.	Gittins	Levy	Sherley
Bruckner	Godwin, N. C.	Lewis, Md.	Sherwood
Brumbaugh	Goldfogle	Lewis, Pa.	Sisson
Burgess	Good	Lindquist	Sloan
Burke, Pa.	Gorman	Linthicum	Small
Butler	Goulden	Lobeck	Smith, Md.
Callaway	Graham, Pa.	Loft	Smith, Minn.
Campbell	Green, Iowa	Logue	Smith, N. Y.
Cantor	Griest	McClellan	Smith, Tex.
Cantrill	Griffin	McCoy	Sparkman
Carew	Gudger	McGillicuddy	Stafford
Carlin	Hamill	McGuire, Okla.	Stanley
Casey	Hamilton, N. Y.	McKenzie	Stedman
Clancy	Hamlin	Madden	Stephens, Miss.
Clark, Fla.	Hardwick	Maher	Stout
Clayton	Hart	Manahan	Stringer
Coady	Haugen	Martin	Switzer
Connolly, Iowa	Hawley	Merritt	Taggart
Conry	Hay	Metz	Talbott, Md.
Copley	Hayes	Miller	Talcott, N. Y.
Covington	Henry	Montague	Tavenner
Crisp	Hobson	Moore	Taylor, Ala.
Crosser	Holland	Morin	Taylor, N. Y.
Cullop	Houston	Mott	Ten Eyck
Dale	Howard	Nelson	Thomas
Davis	Hoxworth	O'Brien	Tuttle
Deitrick	Hughes, W. Va.	Oglesby	Underhill
Dershem	Hull	O'Hair	Vare
Dies	Humphreys, Miss.	O'Leary	Vollmer
Difenderfer	Igoe	O'Shaunessy	Walker
Donohoe	Johnson, Ky.	Palmer	Wallin
Dooling	Johnson, Utah	Parker	Whitacre
Doremus	Jones	Patten, N. Y.	Wilson, N. Y.
Driscoll	Kahn	Patton, Pa.	Winslow
Drukker	Kelly, Pa.	Peters, Me.	Young, Tex.
Dunn	Kennedy, Conn.	Peterson	
Dupré	Kennedy, R. I.	Platt	
Dyer	Kettner	Plumley	

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and finding itself without a quorum he caused the roll to be called, whereupon 223 Members responded to their names, and he reported back the list of absentees to be recorded in the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 15578, and finding itself without a quorum, under the rules he caused the roll to be called, whereupon 223 Members responded to their names, a quorum, and he reports the list of absentees to be entered upon the Journal. The committee will resume its sitting.

The Clerk read as follows:

SEC. 76. There shall be paid to the marshal his reasonable actual expenses for the maintenance of prisoners of the United States confined in jail for any criminal offense; also his expenses necessarily incurred for fuel, light, and other contingencies that may accrue in holding the courts within his district and providing the books necessary to record the proceedings thereof: *Provided*, That he shall not incur or be allowed in any one year an expense of more than $20 for furniture or $50 for rent of a building and making improvements thereon, without first submitting a statement and estimates to the Attorney General and getting his instructions in the premises.

Mr. HUMPHREY of Washington. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUMPHREY of Washington. I move to strike out the last word. Mr. Chairman, there has been a great desire throughout the country for information in regard to the policy of the President in reference to Mexico. From an article which I hold in my hand, printed in the New York Sun of to-day, it seems to be largely explained——

Mr. MURDOCK. Will the gentleman yield? I missed the first part of his statement. Is this news matter or an editorial?

Mr. HUMPHREY of Washington. Why, it is partly both—an editorial, quoting from a magazine article.

Mr. MURDOCK. I missed the first part of the gentleman's statement, on account of the disorder.

Mr. HUMPHREY of Washington. A certain William Bayard Hale has published a work on "Our Moral Empire in America," and in the prospectus, among other things, occurs this language:

Dr. Hale went to Mexico City to investigate the character of the Huerta régime. He remained three months, returning to Washington with a report which, according to common belief, decided President Wilson to refuse recognition to the Huerta government.

So, if he states the facts we have now at last an explanation of the attitude of the President. While he was so sensitive to foreign opinion and foreign judgment in regard to the Panama Canal that he asked the repeal of the tolls provision because it did not meet with the approval of foreign Governments, yet, upon the judgment of this one man, he stood against the combined judgment of the world, with the exception of three nations, in refusing to recognize Huerta. Here is another paragraph:

Later, Dr. Hale visited the revolutionary chiefs in northern Mexico and held a series of conferences with Gen. Carranza and his staff; these conferences were followed shortly afterwards by the abolition of the embargo on arms and munitions of war, which had placed the revolutionists at a disadvantage.

This also explains the great confidence and admiration of the administration for the splendid heroes that have been devastating and murdering in northern Mexico.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. STEPHENS of Texas. Is it not a fact that President Taft also refused to recognize Huerta, and is it not a fact that the Governments of Argentina, Brazil, and Chile also refused, and did Dr. Hale have anything to do with that?

Mr. HUMPHREY of Washington. As I recall, the Taft administration was in power less than two weeks after Huerta took control of Mexico, but President Taft did not send special personal agents instead of regular accredited representatives to Mexico. That brings me to the point I want to make and that is this: Who is this Dr. Hale whom the President follows if the prospectus to his book, of course prepared, or at least approved, by himself, states the truth. He is a divorced expreacher who left the pulpit to go to muckraking. He is an expert on the scandalous, the unsavory, and the yellow. He is the author of a lot of disparaging, discreditable, and untrue articles which have appeared in magazines attacking different industries and some public institutions, and yet this is the man, if we are to believe his own statement, that is the confidential adviser of the President, and the man upon whose judgment the President of the United States proposes to expend millions of dollars of money and sacrifice thousands of lives of American and Mexican citizens.

It is a most serious statement to be spread broadcast over this country by a man of Dr. Hale's character, to help sell his book. There is so much secrecy and mystery about the administration's policy in Mexico that such statement may mislead many.

If it is true that the President did rely upon Dr. Hale's statement, if he did look upon Mexican affairs through this yellow medium, then it is no longer a matter of surprise that our policy in regard to that unhappy country has been weak, hesitating, and discreditable. A muckraker should not dictate the affairs of Mexico.

Now, if these discreditable statements are not true, the President ought to deny it. This gentleman ought not to be permitted, for advertising purposes, to parade before the country that he is advising the President of the United States. His record is not such as to inspire confidence. As I said before upon the floor of this House, this gentleman in his action in reference to Mexico was not accredited to this country nor a credit to the country.

Mr. BYRNES of South Carolina. Will the gentleman yield to a question?

Mr. HUMPHREY of Washington. Yes.

Mr. BYRNES of South Carolina. What industries did he attack?

Mr. HUMPHREY of Washington. I do not know all of them. I know he attacked the Pension Department for one, and when it was investigated it was found every statement that he made was either wholly untrue or misleading.

Mr. BYRNES of South Carolina. The gentleman said not only institutions, but industries. Did he attack the shipping industry?

Mr. HUMPHREY of Washington. Oh, I do not know. But I want to ask the gentleman what he thinks of the character of a gentleman, a divorced preacher, who leaves his pulpit and goes into muckraking, and then parades over the country that he is the adviser of the President of the United States in order to sell one of his books?

Mr. Chairman, I ask unanimous consent to extend my remarks for the purpose of inserting an editorial——

Mr. WILSON of Florida. I object.

Mr. MANN. Are you afraid of it?

Mr. WILSON of Florida. No; but we have had enough of it.

Mr. BARNHART. I want to inquire if there is anything in the rule that would prevent an excellent gentleman—the gentleman from Washington—from associating with political scarecrows until he frightens himself to death?

The CHAIRMAN. The Chair will state that is not a parliamentary inquiry.

Mr. HUMPHREY of Washington. The entire editorial in the New York Sun is interesting and illuminating, so I will put it all in the RECORD.

MORAL EMPIRE AND WAR FOR THE SERVICE OF MANKIND.

Those who, like the Evening Post of this town, approve warmly of "the President's idealism," yet find that idealism "hard to understand," will do well to study the new idea of war for the service of mankind in the light of Mr. William Bayard Hale's prospectus of "Our Moral Empire in America," published in the World's Work for May. We have already spoken of Mr. Hale's leading part in shaping events toward a war for the service of mankind. The subjoined certificate of actual participation in the Mexican policy of the administration precede his general remarks on moral empire and stamp them, so to speak, with the seal of authority:

"Dr. Hale went to Mexico City to investigate the character of the Huerta régime. He remained three months, returning to Washington with a report which, according to common belief, decided President Wilson to refuse recognition to the Huerta Government.

"Later Dr. Hale visited the revolutionary chiefs in northern Mexico and held a series of conferences with Gen. Carranza and his staff; these conferences were followed shortly afterwards by the abolition of the embargo on arms and munitions of war, which had placed the revolutionists at a disadvantage."

From this it is apparent that not only the implacable determination to recognize the Huerta government in no event whatsoever, but also the decision to supply Carranza and Villa with arms and ammunition, resulted from the investigations and observations of Mr. William Bayard Hale in Mexico. Indeed, the President's unofficial envoy or emissary frankly admits that he is responsible for all that has grown or may grow out of his unfavorable report to Mr. Wilson concerning Gen. Huerta's character. He says:

"The way to make the business of 'promoting' revolutions unprofitable is to see to it that 'promoted' revolutions do not succeed. [Mr. Hale is referring to Huerta's revolution, not to Carranza's.]

"This is what Mr. Wilson is aiming at, if I understand aright. It would not, of course, be possible for a nation which was itself born in revolution to take the position that all efforts of oppressed men to abolish the forms to which they have been accustomed and to institute a new government must be discountenanced. Therefore it is necessary to scrutinize each revolution by itself and to judge whether it be, or be not, morally justifiable."

Accordingly Mr. William Bayard Hale went to Mexico under instructions from President Wilson and scrutinized the Huerta revolution and decided that it was not morally justifiable, and so reported; and Huerta was not recognized and the two nations came to the point of bloodshed for that reason.

Accordingly, also, Mr. William Bayard Hale went into the northern States of Mexico and scrutinized Carranza and Pancho Villa and decided that their revolution was morally justifiable, and so reported; and the embargo was raised and Carranza and Villa were provided with guns and gunpowder with which to kill thousands of Mexicans identified with the earlier but less moral revolution.

Mr. William Bayard Hale continues:

"That duty—of scrutinizing each revolution by itself and judging whether it be or be not morally justifiable—the United States has now assumed, as I understand it, or, indeed, as anyone can see. When Mr. Wilson took steps to inform himself of the facts regarding the Huerta coup d'état, with a view to passing a moral judgment upon the rightfulness of the de facto government in Mexico City, he took, it seems to me, the most far-reaching and fateful step which the Monroe doctrine has inspired in all the process of its evolution."

Manifestly far-reaching, manifestly fateful. For neither in our organic law is there any authority, nor in our national experience is there any precedent, for the establishment of Mr. William Bayard Hale's moral empire, to be enforced by President Wilson's system of moral warfare for the service of mankind. The expenditure of millions of dollars, perhaps the sacrifice of thousands of human lives, depend upon the accuracy of the moral judgment on which Executive action is based; and this moral judgment in its turn depends upon the report of the private informant sent to scrutinize the revolution—in the present case Mr. William Bayard Hale.

What an awful responsibility both for the informant and the informed. As to the Hon. William Jennings Bryan, Secretary of State in the present administration, Mr. William Bayard Hale does not even mention his name while explaining in World's Work the genesis of the moral empire and the beginning of war for the service of mankind.

Mr. HARDY. I wish to inject one or two remarks right here. It is an easy thing for the gentleman from Washington or any gentleman from anywhere to get up here and make various and sundry charges about somebody who is far away. I believe that this country is not ready now to accept the charges or insinuations of the gentleman from Washington to the effect that the President has relied upon a discredited agent to furnish information to him with reference to any of the administrative duties he is about to perform or seeks to perform. I believe that such charges, coming as they do, constitute the worst kind of muckraking that can be presented to the public.

Mr. HUMPHREY of Washington. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Texas yield to the gentleman from Washington?

Mr. HARDY. Yes.

Mr. HUMPHREY of Washington. I did not make those charges. That is what Dr. Hale himself said in the prospectus of his book.

Mr. HARDY. Mr. Chairman, I think we understand what the gentleman said. He read a newspaper article, and from that made charges and inferences that the President of the United States was relying for information upon a discredited agent. Now, so far as all of it is concerned, I know nothing. I do not know what paper he read from, nor do I care; but I have confidence enough in the President of the United States, and the country has confidence enough, to set it over against the charges and insinuations of the gentleman from Washington and rest perfectly content that the President's character is not even impugned by the charges. [Applause.]

The CHAIRMAN. The Clerk will read.

Mr. JOHNSON of Washington. Mr. Chairman, I have a letter here from a constituent of mine—a very prominent Democrat, by the way—in which he states:

> You have doubtless heard a great deal of the law's delays.

We have all heard of the law's delays; but, of course, the writer of this letter did not know that there would be three long, tiresome, "no-quorum" roll calls to-day on this bill—a bill designed to correct some of the paragraphs in our laws that make delay in law procedure and great and unnecessary cost to litigants.

The writer of this letter says:

> I want to call your attention to some extravagance in legal proceedings that is amazing, and it seems that the same should be remedied.

Mr. Chairman, we have just finished reading 20 pages of items pertaining to costs in the Federal courts—marshals' costs, clerks' costs, and so forth. Soon will come pages providing for printers' costs, stenographers' costs, mileage costs, and still other costs, which some one must pay.

In this letter my correspondent goes on to state the method of getting cases up to the higher courts in the State of Washington, and then says:

> This practice or something similar is what I believe we should have in cases on appeal to the United States circuit court of appeals.

He says:

> When we appeal to that court the entire record is first written from the stenographer's notes, making a complete record similar to that in the State court; then the transcript goes to the clerk of the district court, who compares it. In other words, he reads it over, and in the case to which I am about to refer this fee costs us in the neighborhood of $100. We have already paid another $100 or more for the typewriting to the reporter. Then the clerk of the lower court sends the transcript of the evidence and pleadings to the clerk of the circuit court of appeals, and he prints the whole business and binds it in book form.
>
> I have just appealed a case to the United States Circuit Court of Appeals, sitting at San Francisco, and am just in receipt of two statements for printing. One is for the evidence, and the charge is more than $700, and one is for the transcript of pleadings, which amounts to more than $300—the total printing bill, as estimated by the clerk, being a little over $1,100.
>
> Thus you will see that in preparing the record in this case on appeal, which case only involved $6,500, we have already been compelled to expend over $1,300 to get into court. You can readily see that it takes a man almost with the instincts of a gambler to have the nerve to appeal a case to the circuit court of appeals, and you can further see that a poor man would be absolutely prohibited from appealing his case on account of this excessive charge.

The writer, Robert E. Evans, goes on and mentions other charges at considerable length. He goes carefully into the detail of these expenses, such as are being considered in this legislation. I had hoped that this bill would do something toward striking down the law's delays and the excessive costs.

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Indiana?

Mr. JOHNSON of Washington. Yes; I will be very glad to.

Mr. COX. It occurs to me that you are striking at a very vital point. I have myself had some experience along the same line. Does the gentleman make any suggestions as to a remedy?

Mr. JOHNSON of Washington. Yes.

Mr. COX. I wish the gentleman would read them.

Mr. JOHNSON of Washington. Attorney Evans says in the beginning of his letter, which I dropped, this:

> In going up to the higher courts in the State, typewritten copies can go up, three in number.

Mr. COX. Instead of having typewritten copies printed?

Mr. JOHNSON of Washington. Yes; instead of having 12 or more printed copies in cases appealed to the United States Circuit Court of Appeals.

Mr. COX. The gentleman is exactly right. It has always seemed to me like a bunko game to require that printing to be done.

Mr. JOHNSON of Washington. I am glad to hear the gentleman from Indiana say so, in view of the fact that I myself am somewhat inexperienced in connection with the modes of legal procedure here and in view of the fact that every Member of Congress must know that in the last 20 pages of the bill under consideration are dozens of paragraphs which will simply continue these excessive costs of all kinds. I hope at the opportune time to move to strike them out or that some one else will do so.

Mr. COX. What valid reason can be assigned for the fact that the typewritten record, as clear as print, should be reprinted? I have never seen the philosophy of it in all my life.

Mr. MANN. Of course, the gentleman knows that that is not a matter of law.

Mr. COX. It is simply a rule in the courts.

Mr. MANN. The Supreme Court recently revised the rules of equity procedure, and President Taft in the last Congress and I think President Wilson in this Congress have recommended that the law rules be revised. Of course, each member of the Supreme Court must have a copy of the record in some shape. I suppose the first thing to do, to cut down expenses, would be to limit the lawyer's salary or fee in this and other cases, and then limit the cost of making up the record.

Mr. COX. No; I do not think that would be right.

Mr. MANN. I supposed the proposition to limit the lawyer's salary would not meet with much approval in this Congress. [Laughter.]

Mr. JOHNSON of Washington. We are not all lawyers. I, for instance, am a printer.

Mr. COX. I am of this opinion, because I have in my experience had to go up against this same question, and I have never been able to see the reason why these typewritten copies should be printed. The stenographer in transcribing his notes can just as easily make carbon copies, which are easy to read, as to have them printed. The present practice is wrong.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. This lawyer writes me further:

> There is no reason under the sun why this record should be printed at all. The only purpose I can see of it is to give work to the printer and fees to the clerk. The circuit court of appeals consists of three judges, and it seems to me that if a typewritten transcript of the evidence and the record is sufficient in the State supreme court, where we have nine judges, that the same practice ought to be good enough for the circuit court of appeals, especially in view of the fact of the immense expense now required to appeal a case, and all that they need is a copy of the evidence to read over. I consider it an outrage under the practice at the present time, and I can not for the life of me see why the circuit court of appeals requires this printing.

Mr. HUMPHREY of Washington. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. HUMPHREY of Washington. It would seem from that portion of the letter that the printers were beating the lawyers. [Laughter.]

Mr. JOHNSON of Washington. Oh, I do not know; but it makes no difference. We hear on all sides something of the high cost of living, and it is every man's duty to try to strike down these excessive charges. Most people believe that the clerks of Federal courts are overpaid, through fees or otherwise. Court fees pile up unnecessarily. Everybody knows this; the lawyers know it; the printers know it. Neither lawyers nor printers want unfair fees; but when we let such bills as this be used as a buffer for some sort of legislative filibuster, which I confess I can not figure out, and let all such paragraphs as we have heard read to-day go undiscussed and unchallenged, we may be sure that the backs of litigants will continue to bend under the load of "costs," which may include almost everything under the sun.

Mr. J. M. C. SMITH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. J. M. C. SMITH. Mr. Chairman, on hearing the reading and consideration of the bill, I notice that large appropriations are authorized for the payment of fees, and, looking at an article in the paper, the Washington Herald, of Monday, the 11th of May, I notice that under the present working of the tariff law there is a decrease of revenue and an increase of deficit. I

would like to call the attention of the House to one or two extracts in this paper showing the workings of the law. I read:

SIX MONTHS' OPERATION—INCREASED IMPORTS OFFSET BY DECREASES IN RECEIPTS, EXPORTS OF MATERIALS, AND SLOWING DOWN OF FACTORIES.

The official record for the first half year of the tariff law's operation is now available, the Department of Commerce's statement of imports and exports for March completing the figures for six months.

OFFICIAL STATISTICS.

The value of finished manufactures imported in the six months' operation of the law, October 1 to April 1, is $228,000,000, against $215,000,000 in the same period of last year; the value of manufacturers' material imported is $469,000,000, against $517,000,000; the value of manufactures exported is $541,000,000, against $582,000,000; and the receipts from customs are but $140,000,000, against $165,000,000 in the same months of last year.

Meantime the deficit in the Treasury accounts continues to mount, Saturday's official statement showing the "excess of ordinary disbursements" for the fiscal year is $37,097,955, as against an "excess of revenue receipts" of $7,395,706 for the same period of the last fiscal year when the Payne tariff was in operation; or, to put it in ordinary terms, a deficit of $37,000,000 this fiscal year against a surplus of $7,500,000 at this time last year. The administration is depending on the income tax to pull it out of the hole.

On the other hand, the exports of domestic products have steadily fallen, the figures for October, 1913, having been $269,000,000, and in March, 1914, but $184,000,000.

The imports in the six months increased over 37 per cent, while the exports decreased over 31 per cent in the same period. In the last month of the Payne tariff—September, 1913—the exports of domestic products exceeded the imports by $45,000,000; in March, 1914, the sixth month under the Underwood tariff, the exports of domestic products exceeded the imports by barely $1,000,000.

Standing alone the new tariff law is not proving the great success claimed for it by its author and those favoring its passage. It has not proven the boom to business claimed for it. It has not affected the high cost of living. If it has had any beneficial effect to business or the country, it is not apparent so far. Perhaps its benefits will appear later. We are all "watchfully waiting." [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 79. No part of the appropriations made for the payment of fees for United States marshals or clerks shall be used to pay the fees of United States marshals or clerks upon any writ or bench warrant for the arrest of any person or persons who may be indicted by any United States grand jury, or against whom an information may be filed, where such person or persons is or are under a recognizance taken by or before any United States commissioner, or other officer authorized by law to take such recognizance, requiring the appearance of such person or persons before the court in which such indictment is found or information is filed, and when such recognizance has not been forfeited, or said defendant is not in default, unless the court in which such indictment or information is pending orders a warrant to issue; nor shall any part of any money appropriated be used in payment of a per diem compensation to any clerk for attendance in court, except for days when the court is opened by the judges for business, the judge being present, which fact shall be certified in the approval of their accounts.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. GREENE of Massachusetts. Mr. Chairman, I have listened with some interest to the debate which arose from the remarks of the gentleman from Washington [Mr. HUMPHREY] and the reply of the gentleman from Texas [Mr. HARDY].

I happen to live within 19 miles of the place where the Rev. William Bayard Hale formerly preached. He preached in the town of Middleboro. He left the pulpit there; but before leaving, he wrote some articles in regard to the factory tenements of the city in which I live. Those articles were discredited entirely by the people of the community and by the corporation that owned the tenements about which he wrote.

After they had called his attention to the matter and he had paid no attention to it, the attention of the proprietor of the World's Work was called to the matter, and he was asked if he would allow a correction of the misstatements that were made therein. The reply was that they published a magazine and hired parties to write articles for it, and they did not publish anything that went to show that the writers of their articles did not state the facts. At the time, or shortly after the Sherwood pension bill was enacted into law——

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. DONOVAN. Does the gentleman think that as fair a man as the gentleman from Massachusetts is, who is seldom seen or heard doing things out of order, should follow the example of those who violate the rules of parliamentary practice?

Mr. GREENE of Massachusetts. I do not want to listen to any speech. I thought you wanted to ask a question.

Mr. DONOVAN. Yes; it is a query.

Mr. GREENE of Massachusetts. Well, make it.

Mr. DONOVAN. As the gentleman from Massachusetts at his time of life——

Mr. GREENE of Massachusetts. The gentleman need not have any worry about my time of life. I am quite as capable of taking care of myself as the gentleman is.

Mr. DONOVAN. But the gentleman——

Mr. GREENE of Massachusetts. I decline to yield further.

Mr. DONOVAN. I make the point of order that the gentleman is not talking to the question before the House.

The CHAIRMAN. The point of order is sustained. The gentleman will proceed in order.

Mr. GREENE of Massachusetts. And shortly after the passage of the Sherwood pension bill one of my constituents called me to account for voting for that bill.

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DONOVAN. The gentleman is not talking to the question before the committee, which is section 79 on page 47 of the bill. He is talking to a pro forma amendment. He can only explain matters pertaining to this particular section. I feel sorry for the gentleman at his time of life that he should go so far——

Mr. GREENE of Massachusetts. I say the gentleman need not worry himself about my time of life. I will take my chances with the gentleman at any time.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that the gentleman from Massachusetts is not speaking to the question before the committee. If he insists on the point of order, the Chair will have to sustain it.

Mr. GREENE of Massachusetts. Does the Chair sustain the point of order?

The CHAIRMAN. The Chair sustains the point of order.

Mr. GREENE of Massachusetts. Very well; I will be seated and await another opportunity.

Mr. ANDERSON. I move that the gentleman be permitted to proceed in order.

The CHAIRMAN. It is moved that the gentleman from Massachusetts be permitted to proceed in order.

The motion was agreed to.

Mr. GREENE of Massachusetts. I suppose, Mr. Chairman, that I am in order in what I am talking about.

Mr. DONOVAN. Mr. Chairman, a point of order. He can not get the floor without addressing the Chair.

Mr. GREENE of Massachusetts. I did address the Chair. If the gentleman will always do it himself——

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. GREENE of Massachusetts. I am referring to section 79 of the bill, and I wish also to refer to a matter of great interest to this House. That is, that when the Sherwood pension bill was considered here one of my constituents, speaking to me about it, said that I had done a great wrong in voting for that bill. I replied, "I do not think so."

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman can not with impunity violate the rules of the House. He is not proceeding in order.

Mr. GREENE of Massachusetts. I am talking about a matter of the expenses of carrying on the Government, and this is certainly an expense of carrying on the Government. While the Sherwood pension bill was under consideration, or after it had been voted upon, I was criticized for a vote that I had cast in this House on a bill that involved an expenditure on the part of the Government. This man said to me that he had proof in his possession to show that the Pension Department was honeycombed with fraud.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. DONOVAN. Reserving the right to object, if he will proceed in order——

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Now, Mr. Chairman, this gentleman said he had information in his possession to show that the Pension Department was honeycombed with fraud; that the pension roll had upon it a number of men and women who were not lawfully pensioned; and he said that when I was voting for pension legislation I was voting for fraudulent action on the part of the Government of the United States. I did not know then where he got his information. I said: "Will

you furnish me information upon which your statements are based?" He said: "I will gladly do so." I replied: "If you will do that, I will have the matter investigated." In due time he sent me a list of pensions which had been granted, and which he stated were unlawfully granted, and that they took money from the Treasury in behalf of women who were not widows of soldiers and men who did not possess an honorable discharge, and that the evidence had been furnished to the Pension Department, and that department had declined to remove these names from the pension rolls.

I took that matter to the Pension Department and it was investigated. At that time I did not know anything about where my friend obtained his information. An answer was made to charges, and I ask permission to put in the RECORD the correspondence which will show that the statements in an article published in the World's Work was not borne out by the facts. This article was written by William Bayard Hale. In due time I sent the letter of the Commissioner of Pensions to the gentleman who had complained to me, and he wrote a letter to the World's Work, and this magazine was published by Doubleday, Page & Co.—Mr. Page is now ambassador to England and is or was a member of that firm—asking them if they would publish the statement of the Pension Department showing that William Bayard Hale had published an article that was honeycombed with misstatements. They declined to publish that article. I have the letter of the late Commissioner of Pensions in my possession which makes a reply in detail regarding the charges made against the Pension Department, and I think it is a very good time to have this correspondence published in the RECORD, and this correspondence will appear at the close of my remarks. This man Hale has been sent to Mexico with a roving commission, and, so far as I have been able to discover in watching his proceedings, he has been dealing with the parties who have endeavored to overthrow such government as they have there; and it seems to me that it is a credit to such government as they have there that they were generous enough to allow him to draw his breath after he arrived there. It may have been that he was working in the interest of peace, but his methods in my judgment were more toward the encouragement of strife and disorder than the promotion of peace between nations. William Bayard Hale is the man whom the President of the United States commissioned to represent him in the Republic of Mexico. I am very sorry to speak of this fact and did not desire to do it, but I feel justified in so doing because of my knowledge of the facts which will appear in the appended correspondence and also because of the lame defense that has been made here against the statement made by the gentleman from Washington [Mr. HUMPHREY], and I am sure that I can furnish the proof of every statement that I have made upon this floor to-day. [Applause.]

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, April 18, 1911.

Hon. W. S. GREENE,
House of Representatives.

MY DEAR MR. GREENE: With regard to the matter referred to in our recent conversation, and in the letter of your correspondent which you transmitted under date of the 15th instant, I have the honor to state that I have personally examined the papers in the claims and find the facts as follows:

Judge Stillwell, our first deputy commissioner, is pensioned at the rate of $30 per month under the provisions of a special act of Congress approved February 18, 1909, some time prior to his being appointed to his present position.

Mr. Stillwell entered the military service on January 7, 1862, as a private, rose through the grades of corporal, sergeant, second lieutenant to first lieutenant, and was discharged September 8, 1865, after nearly four years' faithful and meritorious service. He never filed a claim for pension until after the passage of the "age act," act of February 6, 1907. He filed a claim under this act on February 16, 1907, which was allowed at $12 per month, he being past the age of 62 years. As heretofore stated, his present pension of $30 per month was allowed by a special act of Congress, and the reasons which prompted Congress to make such allowance may be learned from the report of the committee which recommended such action

I doubt if there have been many claims in all the thousands which have received favorable consideration by Congress which had more to commend them, and there is not one single feature of the matter which casts the least discredit upon Congress, this bureau, or Mr. Stillwell. The allowance was made before there was any thought of his being appointed to his present position.

Matilda Delair was never pensioned in her own right. She filed a claim for widow's pension on December 8, 1887, but abandoned the prosecution of same and it has never been allowed. She was shown to be the legal widow of one Frank Delair, who had a claim for pension pending when he died, and as this claim was established it was allowed and paid to her under the provision of the law which entitles a widow to the pension due her deceased husband to the time of his death.

An examination of the papers in this claim does not show that there was any impropriety in the allowance made. There appears to have been some hesitancy in making the allowance, because of the fact that it carried a considerable amount of money, and because the widow was not legally married to soldier until five days prior to his death, and because of these conditions the claim received the personal consideration of the then Commissioner of Pensions and the Assistant Secretary of the Interior, both of whom approved of the allowance. Although the widow was not legally married to soldier until just prior to his death, she had lived with him as his wife for 17 years prior to their ceremonial marriage. I do not think there could be any doubt as to her being soldier's legal widow, and if there could be any question as to whether the soldier's claim was legally established it could only be a matter of opinion on the weight of the evidence. There is nothing whatever in the case to indicate that the claim was fraudulent or that the allowance was influenced by improper motives.

Catherine Giesbers was allowed pension as the widow of one John Giesbers, a soldier whose wife and widow she had been. In prosecuting her claim she, however, concealed the fact that she had remarried. The bureau later secured information as to this fact and dropped her name from the pension roll, and at the same time brought criminal action against the claimant in the local courts. The payment of her pension was not "continued," as stated by your correspondent, and she has not received pension since July 4, 1903, when her name was dropped from the roll.

Leon A. Canter died December 24, 1910. At the time of his death he was in receipt of pension under the age act of February 6, 1907, and he had previously drawn pension under the act of June 27, 1890. There is nothing in the case to indicate that any allowance therein was improper. Your correspondent states that he was "a notoriously bad egg." I do not know exactly what this means or whether it is true. There is nothing in the case reflecting on Mr. Canter's character. But if he had been of an altogether disreputable or even criminal character such fact would not necessarily have affected his title to pension. It is of course to be regretted, but it is unfortunately true, that among the hundreds of thousands who served the country in its hour of need, and are legally entitled to pension, are some who are not of the highest type of citizenship, but this fact does not affect their title to pension.

Rosetta Jackson was allowed pension as the widow of one Henderson Horton, a colored soldier, whose slave wife she had at one time been. In prosecuting her claim she concealed the fact that she had separated from Horton and remarried to one Jackson, whose wife she was at the time of the close of the war. When the bureau learned of this fact her name was dropped from the pension roll and criminal action was brought against her. She has not received pension sinc May 4, 1899, when he name was dropped.

Phoebe Wright was originally and properly pensioned as the widow of a soldier, one Byron Wright, which pension terminated on March 4, 1875, by reason of her remarriage. She afterwards sought to have her pension restored on the ground that her remarriage was void. Her claim for restoration was rejected while Mr. Evans was commissioner, but your correspondent is in error in stating that the pension was "afterwards restored." It has never been restored, and she has not received pension since 1875.

This is the status of the six cases mentioned by your correspondent. If the magazine articles referred to by your correspondent contained statements of fact at variance with what is herein set forth, such statements were inaccurate.

I do not mean to imply that the magazine intentionally misstated facts, but the information on which the articles were based was probably not full and complete in all cases, being from sources outside the bureau, and the recitals of facts were to an extent misleading because of their incompleteness.

Most of the cases mentioned in the articles referred to were those wherein the bureau had unearthed the fraud, had terminated the pension, and had presented the facts to the proper local officials for such criminal action as should be deemed warranted by the evidence in each particular case—in fact, cases in which the bureau had done its full duty in safeguarding and protecting the interests of the Government.

I have never quite understood what purpose was intended to be served by the recitals set out. I am not inclined to believe that it was intended as a reflection upon the bureau, for even the most unreasonable would hardly contend that the bureau should be able to absolutely prevent the successful prosecution of a fraudulent claim. More than 2,000,000 claimants have been before the bureau in the past 40 years, and of a necessity most of the claims have had to be adjudicated upon ex parte evidence. Under such conditions, with human nature what it is, there is bound to be some fraud. It is rare, however, that this remains undetected. Much of it is detected in time to save the Government from any loss, while in the remaining cases the allowance of the claim usually leads to detection. In such cases I do not think that the bureau has ever failed to act promptly in terminating the pension and taking such further action as the circumstances called for. The cases cited in articles referred to are, as stated, almost entirely a résumé of those in which the bureau had taken such action, and I rather suspect that much of the data for these articles was drawn from the records and criminal dockets of the courts in which actions had been brought under information furnished by the bureau. The record as made up in the articles when properly understood is therefore one creditable to the bureau rather than the reverse.

Very respectfully,

J. L. DAVENPORT, *Commissioner.*

FALL RIVER, MASS., *March 5, 1911.*

Hon. WM. S. GREENE, *Washington.*

DEAR SIR: In pursuance of our conversation of a few days since, I have to give you a few names of pensioners who are said by the World's Work to be humbugs.

It must be admitted that many of the reporters are simply trying to make good stories. We innocent readers are at their mercy until we can disprove their yarns

It is, however, a notorious fact that the Treasury has been and is being raided in the name of "patriotism" by bounty jumpers and other humbugs, and why not acknowledge it?

These names are but a few of those enumerated by the magazine. If they are names of maligned people, why, I will make further quotations:

Leander Stillwell, Deputy Commissioner of Pensions, at $3,600 a year, and said to be a pensioner improperly.

Matilde Delair, No. 420157; Examiner Taylor, representing the United States, was denounced and recommended for dismissal by Pension Commissioner Raum for doubting the propriety of giving this pension.

Catherine Giesbers, No. 381559, acknowledged fraudulent, but no further action taken, except to continue payment.

Leon A. Canter, No. 1050289, a notoriously bad egg.

Rosetta Jackson, No. 256905, ditto.

Phoebe Wright, No. 158348, rejected by Evans (he was too busy an agent honestly trying to protect the Government, and was, it is well

known, hounded out of office by the "patriots") and afterwards restored.

There is probably no use in amplifying this list. Suffice it to say that no good citizen begrudges a cent of the pension appropriation that is being properly expended, but every good citizen does and ought to denounce the looting of the public till.

If I shall prove to be in the wrong in this matter, nobody can be more prompt than I shall be to own my error.

Yours, truly,

V. W. HAUGHWOUT.

—

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 19, 1911.

Mr. VELONA W. HAUGHWOUT,
Fall River, Mass.

DEAR SIR: Your letter came duly to hand, and I thank you for writing me.

I inadvertently mislaid your letter, and when I took it to the commissioner and talked with him about the cases I supposed his stenographer had taken notes of the letter. As he could not find the letter, and he had not taken the notes, it delayed consideration.

I may state that I know the deputy commissioner, Mr. Stillwell, and I believe him to be strictly honest, and his record as a soldier is of the best, and his service was for four years. Regarding Commissioner J. L. Davenport, he has been in the Pension Bureau for more than 25 years. He was appointed commissioner, solely upon his record, by President Taft, and he has the confidence and esteem of every Member of both branches of Congress, because of the thorough and independent and painstaking manner in which he has administered every trust that has been confided to him. This article in the World's Work I never saw. Whoever wrote it undoubtedly wrote for pay and was not particular about his facts.

I have been over hundreds of cases in behalf of many of my soldier constituents and their widows during the past 12 years and 9 months, and I unhesitatingly declare that the Pension Bureau goes into every case with great care, to provide against injustice and also to prevent fraud. The array of documents and testimony in each case would be surprising to anyone who should take the trouble to look up the cases.

There may be fraudulent cases now on the pension roll, but in every case when fraud is shown the case is stricken from the roll and the pension is declared void.

A word as to special pension bills. It is not within the power of a Member of Congress to rush a case to a settlement. Every case for a special pension bill is referred to a pension examiner, who goes through the case with a fine-tooth comb, and a full report is printed and submitted to Congress. These reports are all placed in the hands of the President before he signs the bill, and he has them all looked over by a special examiner. These reports are a part of the record, and they are preserved. If a man has not an honorable discharge, he can not be pensioned. The record of a soldier is sometimes changed if an error is found after investigation, but that is carefully gone over. The Government of the United States is a great institution and its work and the records thereof are marvels of history.

I am glad to send you the information in the cases you referred to.

I remain, very respectfully,

WM. S. GREENE.

—

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., May 10, 1911.

Mr. VELONA W. HAUGHWOUT,
Fall River, Mass.

DEAR SIR: I inclose herewith a letter relative to the status of Gen. Daniel E. Sickles.

He draws no pension and never applied for nor is he eligible to receive one. He is simply on the retired list, just the same as Brig. Gen. Cook, of our city.

I remain, very respectfully,

WM. S. GREENE.

—

FALL RIVER, MASS., *April 28, 1911.*

To the WORLD'S WORK, *New York.*

GENTLEMEN: I have been a diligent reader of your magazine for a long time, and I was so much impressed by your disclosures regarding the alleged frauds against the United States that I investigated some of the cases cited by you, selecting at random, at the Pension Bureau in Washington.

I was astonished that in every instance which I had singled out for proof of rascality your history was false. The irregularity had been detected by the Government, the recipient of improperly granted moneys dropped from the rolls, and in most cases criminal procedure taken against the culprit.

If you desire the substantiation of the truth of my words, I shall take pleasure in submitting it.

I read to find the truth, not a sensation, and I am sure that a magazine of the class you are supposed to represent will be glad to correct your errors when they are pointed out to you.

Yours, truly,

V. W. HAUGHWOUT.

—

THE WORLD'S WORK,
Garden City, Long Island, N. Y., May 1, 1911.

V. W. HAUGHWOUT, Esq.,
Fall River, Mass.

DEAR SIR: We are very much obliged to you for your letter of April 28, alleging that you had investigated our incidents of pension frauds and found our accounts all false.

We should be glad to read anything you may like to offer going to substantiate your assertion.

Yours, truly,

W. K. HALE.

—

FALL RIVER, MASS., *May 4, 1911.*

Messrs. DOUBLEDAY, PAGE & CO.,
Garden City, L. I.

GENTLEMEN: Answering yours of the 1st instant, I shall quote but three misstatements made in the World's Work in relation to the so-called "pension frauds," since the naming of others would be mere repetition.

Catherine Giesbers, No. 381559 (I quote) was allowed pension as the widow of John Giesbers, a soldier whose wife and widow she had been. In prosecuting her claim she, however, concealed the fact that she had remarried. The bureau later secured information as to this fact and dropped her name from the pension rolls, and at the same time brought criminal action against the claimant in the local courts. The payment of her pension was not "continued," as stated by your correspondent, and she has not received pension since July 4, 1903, when her name was dropped from the rolls.

Rosetta Jackson, No. 256905, was allowed pension as the widow of one Henderson Horton, a colored soldier whose slave wife she had at one time been. In prosecuting her claim she concealed the fact that she had separated from Horton and remarried to one Jackson, whose wife she was at the time of the close of the war. When the bureau learned of this fact, her name was dropped from the pension rolls and criminal action was brought against her. She has not received pension since May 4, 1899, when her name was dropped.

Phoebe Wright, No. 158348, was originally and properly pensioned as the widow of a soldier—one Byron Wright—which pension terminated on March 4, 1875, by reason of her remarriage. She afterwards sought to have her pension restored on the ground that her remarriage was void. Her claim for restoration was rejected while Mr. Evans was commissioner, but your correspondent is in error in stating that the pension was "afterwards restored." It has never been restored and she has not received pension since 1875.

Yours, truly,

V. W. HAUGHWOUT.

—

THE WORLD'S WORK,
Garden City, Long Island, N. Y., May 8, 1911.

V. W. HAUGHWOUT, Esq.,
Fall River, Mass.

DEAR SIR: I have a letter dated Fall River, May 4, signed in typewriting with your name, and at the beginning you say "I shall quote but three misstatements made in the World's Work," etc.

You then proceed to quote, but the quotations are not from the World's Work, although they refer to cases we give. I think there is some confusion of punctuation, and I do not quite understand the letter. Won't you please tell me from whom you are quoting in the extracts you give?

Yours, truly,

W. B. HALE.

—

FALL RIVER, MASS., *May 18, 1911.*

Messrs. DOUBLEDAY, PAGE & CO.,
Garden City.

GENTLEMEN: Some letters have passed between us relating to certain misstatements found in your magazine, the World's Work, about alleged frauds in pension distributions by the United States Government.

I write again simply to inquire whether you are satisfied that you misled your readers in some of the denunciations contained in some of your articles.

The main source of information open to many thousands of busy people on topics of public interest is found in the magazines; if that source proves to be a poisoned one, the minds of the people must become infected.

There are but few periodicals which are at all reliable, and I had always rated yours among the few. I hope I may be told by you that you intend to keep its rating unsmirched by acknowledging your errors when they are unmistakably pointed out to you.

Yours, truly,

V. W. HAUGHWOUT.

—

THE WORLD'S WORK,
Garden City, Long Island, N. Y., June 1, 1911.

V. W. HAUGHWOUT, Esq.,
Fall River, Mass.

DEAR SIR: You are right; there has been some exchange of letters between us relating to certain statements—not misstatements—made by me in the World's Work about pension frauds.

You have written somewhat ambiguously, declaring that our citations of the cases of Catherine Giesbers, Rosetta Jackson, and Phoebe Wright were misstatements. To which I can only reply that, on the contrary, the three paragraphs about these women are absolutely correct in every fact and circumstance.

Indeed, if you will refer to the January number of the World's Work, pages 13919–13922, and read the statements made and then compare them with what the Commissioner of Pensions—apparently—has written to you, you will find that he does not deny that the Government was defrauded exactly as I stated. Catherine Giesbers did defraud the Pension Bureau of $3,400. The bureau did bring criminal action against her, but nothing ever came of it—the action was not pressed, and the woman went free. I did not state that the pension was continued.

Rosetta Jackson was paid by the Pension Bureau $4,000, to which she had no right. The Commissioner of Pensions—if he is the authority for the quotation you make—is not correctly informed or he has not taken the time to carefully read the facts in this case, as I have done. However, his mistakes are not essential. He does not deny that she was "allowed a pension." The fact is she was paid $4,000 before her name was dropped.

Phoebe Wright. My statement of the case of Phoebe Wright was exactly in accordance with the facts, though in this case only your authority (whether or not he is the Commissioner of Pensions) disputes the accuracy of one of my statements, namely, that the claim was reallowed. My information is positive that it was.

Yours, truly,

W. B. HALE.

—

FALL RIVER, *June 3, 1911.*

Messrs. DOUBLEDAY, PAGE & CO.,
Garden City, L. I.

GENTLEMEN: Referring to the letter of Mr. Hale, dated 1st instant, I must write at more length than I wish, but the subject seems to compel it.

As to "misstatements," let it go at half statements, if that is more palatable. Half statements are as capable of damage as the other variety.

I will take but one of the three women named by you as represented by your paragraphs "correctly." I do not think that quite ingenuous—to say your statements are "correct" is half true. Why do you not tell the whole tale about Phoebe Wright? The Pension Commissioner says she was never reinstated. You say your "information is positive that" she was. Where do you get "information" so much more valuable than official records? I am afraid that a full recital of the exact facts you professed to expose in your magazine, with no suppressions, would have made rather tame reading and would have made the "exposures" unsalable.

I have been actuated by sincere motives. I am not an old "veteran" and have not even the remotest connection with any pensioner. I was stirred with indignation by your "exposures," and set out, with the

cooperation of our Congressman, to justify my indignation. Instead of justification, my indignation has met mollification. The Pension Commissioner frankly admits that the gigantic disbursement of moneys under his charge has been attended with errors because of fraudulent claimants, but he welcomes and wants to make the Government the beneficiary of the disclosure of facts which may bring such claimants to justice. Let us be just, but let us be sincere. I am done, and subscribe myself,

Yours,

V. W. HAUGHWOUT.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read section 80 of the bill.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. J. M. C. SMITH. I make the same request.

The CHAIRMAN. The gentleman from Washington and the gentleman from Michigan ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 81. Every clerk of a district court shall, on the 1st days of January and July in each year or within 30 days thereafter, make to the Attorney General, in such form as he may prescribe, a written return for the half year ending on said days, respectively, of all fees and emoluments of his office, of every name and character, and of all the necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year. The word "emoluments," as herein used, shall include all amounts received in connection with the admission of attorneys to practice in the court, and all other amounts received for services in any way connected with the clerk's office. Each clerk shall state separately in his returns the fees and emoluments received or payable under the bankrupt act. Each clerk shall also, under rules and regulations to be prescribed by the Attorney General, report and account for all moneys received on account of or as security for fees and costs; all moneys collected or received on behalf of the United States on account of judgments, fines, forfeitures, penalties, and costs; and for any other moneys received in his official capacity, whether on behalf of the United States or otherwise. Each clerk shall also keep and use such dockets or other books for recording, reporting, and accounting for all fees and emoluments earned by him and for all moneys required to be reported under the provisions of this section as the Attorney General shall prescribe. Said returns shall be verified by the oath of the officer making them and a copy thereof filed in his office. It shall be unlawful for any clerk whose duty it is to make the return required by this section, to include in his emolument account or return any fee or fees not actually earned and due at the time such return is required by law to be made; and no fee not actually earned shall be allowed in any such account.

Mr. WATKINS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 48, line 14, after the word "court," insert the words "including the clerks of the district court in Alaska, Hawaii, and Porto Rico."

The amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 49, line 3, strike out the words "bankrupt act" and insert in lieu thereof the following: "act approved July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' and acts amendatory thereof."

Mr. ANDERSON. Mr. Chairman, the bill reported by the committee uses this language:

Each clerk shall state separately in his return the fees and emoluments received or payable under the bankrupt act.

The language "bankrupt act" is very inaccurate and very unusual, and it seems to me that it would be much better to designate the act in the ordinary and usual way. The amendment I propose merely designates the act referred to and the amendments to that act.

Mr. WATKINS. Mr. Chairman, this is a general law intended to apply for all time or until it is changed. The general expression "bankrupt act" would apply in the future to any other act that might be enacted, and it also applies to every other bankrupt act besides the one to which the amendment refers. The general language will cover all classes of bankrupt acts. It is not necessary to make it so explicit, as it might bring about an erroneous construction of the language. I think the general language is much more satisfactory than to designate any special act.

Mr. TOWNER. I think the gentleman from Louisiana is hardly correct in saying that the language here would include the amendments. The reference certainly would be only to the original bankrupt act, because that is the language used in the sentence. Of course fees are now collected not only under the original bankrupt act, but under all the amendments that have been subsequently passed amendatory thereto. I think the gentleman could hardly have any objection to the bankrupt act being specifically designated, and it should include the amendment. I am quite sure the gentleman's amendment ought to be adopted in order to perfect the language of the text.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. WATKINS) there were 14 ayes and 28 noes.

So the amendment was rejected.

[Mr. MOSS of West Virginia addressed the committee. See Appendix.]

Mr. COX. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

The CHAIRMAN. The gentleman realizes that the matter that he is reading now has no bearing upon the amendment pending before the committee, and the gentleman is out of order.

Mr. ALEXANDER. Mr. Chairman, I will state that when the Chairman makes that ruling the gentleman should take his seat. That is the rule of the House.

The CHAIRMAN. The gentleman is out of order, and he will please take his seat.

Mr. MOSS of West Virginia. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. DONOVAN. Mr. Chairman, he must first take his seat before he does that.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. What is before the committee?

The CHAIRMAN. A motion to strike out the last word of section 82. The gentleman makes the point of order that there is no quorum present.

Mr. KEATING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEATING. Would a motion that the committee do now rise be in order?

The CHAIRMAN. Not after the point of no quorum is made.

Mr. FOSTER. Oh, yes, Mr. Chairman, it would.

The CHAIRMAN. The Chair believes that he was wrong. The Chair believes that a motion to rise is in order.

Mr. KEATING. Then I make that motion, Mr. Chairman. We have wasted enough time this afternoon.

Mr. WATKINS. Mr. Chairman, when we are in the House we can move to adjourn, but when the committee is acting under the supervision of the House the committee can not rise after the point of order of no quorum is made, because that is a question that is to be voted on.

Mr. FOSTER. Mr. Chairman, I think the Chair has not yet decided that there was no quorum present, and so the gentleman's motion is in order.

The CHAIRMAN. The motion to rise is in order. Is the motion made by the gentleman from Colorado?

Mr. KEATING. Yes; I make the motion that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Colorado that the committee do now rise.

The question was taken, and the motion was rejected.

The CHAIRMAN. The point of order is made that there is no quorum present. The Chair will count. [After counting.] Seventy-one Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Cantrill	Driscoll	Gregg
Ainey	Carew	Drukker	Griest
Allen	Carlin	Dunn	Griffin
Ansberry	Carter	Dupré	Gudger
Anthony	Casey	Dyer	Hamill
Ashbrook	Church	Edmonds	Hamilton, N. Y.
Barchfeld	Clark, Fla.	Elder	Hamlin
Barkley	Claypool	Estopinal	Hardwick
Bartholdt	Clayton	Evans	Hart
Bathrick	Cline	Fairchild	Hawley
Beall, Tex.	Coady	Farr	Hay
Bell, Ga.	Connelly, Kans.	Finley	Henry
Bowdle	Connolly, Iowa	Fitzgerald	Hinds
Brodbeck	Copley	Floyd, Ark.	Hinebaugh
Broussard	Covington	Francis	Hobson
Brown, W. Va.	Crisp	Frear	Houston
Browne, Wis.	Dale	Gard	Howard
Bruckner	Danforth	Garrett, Tenn.	Hoxworth
Brumbaugh	Deitrick	George	Hughes, W. Va.
Burke, Pa.	Dershem	Gittins	Hull
Butler	Dies	Goldfogle	Humphreys, Miss.
Byrnes, S. C.	Difenderfer	Gordon	Igoe
Calder	Donohoe	Gorman	Johnson, Ky.
Callaway	Dooling	Goulden	Johnson, Utah
Campbell	Doremus	Graham, Pa.	Jones

Kelley, Mich.	Loft	Patton, Pa.	Small
Keily, Pa.	Logue	Payne	Smith, Md.
Kennedy, Iowa	Lonergan	Peters, Me.	Smith, Tex.
Kent	McAndrews	Peterson	Sparkman
Kettner	McClellan	Platt	Stafford
Key, Ohio	McCoy	Plumley	Stanley
Kiess, Pa.	McDermott	Porter	Stephens, Miss.
Kindel	McGillicuddy	Pou	Stephens, Nebr.
Kirkpatrick	McGuire, Okla.	Powers	Stevens, N. H.
Kitchin	Madden	Prouty	Stout
Knowland J. R.	Maher	Rainey	Switzer
Konop	Manahan	Rauch	Taggart
Kreider	Mann	Rayburn	Talbott, Md.
Lafferty	Martin	Reilly, Conn.	Talcott, N. Y.
Langham	Merritt	Riordan	Tavenner
Langley	Metz	Roberts, Mass.	Taylor, Colo.
Lazaro	Miller	Rothermel	Temple
Lee, Ga.	Mondell	Rubey	Tuttle
Lee, Pa.	Moore	Rucker	Vare
L'Engle	Morin	Rupley	Vollmer
Lenroot	Mott	Sabath	Walker
Lesher	Murray, Mass.	Saunders	Wallin
Lever	Nelson	Scully	Whaley
Levy	Oglesby	Seldomridge	Whitacre
Lewis, Md.	O'Hair	Sells	White
Lieb	O'Shaunessy	Shackleford	Williams
Lindbergh	Page, N. C.	Sharp	Wilson, N. Y.
Lindquist	Palmer	Sherley	Winslow
Linthicum	Parker	Slayden	Woodruff
Lobeck	Patten, N. Y.	Slemp	Young, Tex.

The Clerk proceeded to call the roll, when the following occurred:

Mr. TOWNER (interrupting the roll call). Mr. Chairman, a parliamentary inquiry.

Mr. FOSTER. Mr. Chairman, I make the point of order that the gentleman can not interrupt the roll call.

Mr. TOWNER. I am not attempting to interrupt it, but I want to inquire whether or not this vote ought not to be on the——

Mr. FOSTER Regular order, Mr. Chairman.

Mr. TOWNER (continuing). On the question.

Mr. FOSTER. Regular order.

The Clerk resumed and concluded the calling of the roll.

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and finding itself without a quorum, under the rule he caused the roll to be called, whereupon 209 Members responded to their names, and he presented the list of absentees to be entered upon the Journal.

Mr. GARDNER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman will wait until the Chair announces the report of the Chairman of the Committee of the Whole House on the state of the Union. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 15578, and finding itself without a quorum, under the rule he caused the roll to be called, whereupon 209 Members, a quorum, answered to their names, and he reports the list of absentees to be entered upon the Journal.

Mr. GARDNER. Now, Mr. Speaker, before the Chair orders the committee to resume its sitting I move that the House adjourn.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the House automatically goes back into the Committee of the Whole.

Mr. GARDNER. Mr. Speaker, will the Chair hear me on the point of order?

The SPEAKER. Certainly.

Mr. GARDNER (reading):

After the committee has risen and reported its roll call a motion is in order to adjourn before direction as to the resumption of the session.

The SPEAKER. Who renders that opinion?

Mr. GARDNER. It is on page 372 of the House Manual, about the fourth line from the bottom. It is a citation from the fourth volume of Hinds' Precedents, section 2969.

The SPEAKER. Is that the only authority the gentleman has?

Mr. GARDNER. That is all I know about it; that and the next one, which I shall read:

And the failure of a quorum of the House to answer on this roll call does not interfere with the authority of the Speaker to direct the committee to resume its session.

That is the same decision, I think, and found in Fourth Hinds', section 2969.

The SPEAKER. What is the citation the gentleman gives?

Mr. GARDNER. Fourth Hinds', section 2969.

Mr. WATKINS. Mr. Speaker, if the gentleman from Massachusetts has concluded his remarks, I would like to be heard.

Mr. GARDNER. The Chair is allowing me to address him on the point of order.

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. GARDNER. Mr. Speaker, we never could adjourn, if this motion is not in order, unless the committee votes to rise. So long as the committee has less than 100 Members present all that is necessary to keep up this farce which has been going on all day long is to make the point of "no quorum." Then there is a roll call, and the Chairman of the Committee of the Whole House reports. When that happens I insist that you must give the House an opportunity to say whether it wishes to terminate the farce in the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair would ask the gentleman if that is the only way to terminate it?

Mr. GARDNER. It is the only way, unless the committee will rise.

The SPEAKER. Of course.

Mr. GARDNER. A motion is made to rise, and a gentleman raises the point of order of no quorum——

The SPEAKER. To make a point of no quorum in the Committee of the Whole when it undertakes to rise is absolutely futile. That is the one thing that the committee can do without a quorum—to rise. It is the one thing that it can do.

Mr. GARDNER. The committee can not rise without a quorum if the point of no quorum is made.

The SPEAKER. Why, it might be kept up for six months.

Mr. GARDNER. Exactly, and that is the position the Chair is in now. There can be no time, Mr. Speaker, when the Chair has got the mace there beside him that a motion to adjourn is not in order.

The SPEAKER. But the gentleman jumps from a proposition that may be tenable to one that is utterly untenable and which has nothing to do with the question the gentleman raises.

Mr. GARDNER. If the Speaker will permit me. There is only one motion which takes precedence over a motion to adjourn, and that is the presentation of a conference report. To be sure, this is not a question of the precedence of a motion to go back into the Committee of the Whole, but under the rules of the House we must automatically return to the status of a committee. Under those same rules a motion to adjourn has the highest precedence known to the House, aside from the presentation of a conference report. The high precedence accorded the motion to adjourn is founded upon a well-known parliamentary principle, that no House ought to be kept in session against its own will.

The SPEAKER. Well, nobody is contending that; that is, the Chair never heard of anybody contending that.

Mr. GARDNER. The Chair will take notice that if we go into the Committee of the Whole and if the Committee of the Whole wishes to keep the House from adjourning it can always do so by precisely this process. It seems to me that it is always the privilege of the House, whenever the Speaker is in the chair, to ascertain whether or not it wishes to adjourn, no matter whether the committee wishes to rise or not. I assume, of course, that the motion to adjourn is not made for dilatory purposes.

Mr. UNDERWOOD. Mr. Speaker, the purpose of the committee rising when the roll is called in the Committee of the Whole is purely for the purpose of having a record made of the absentees. The committee rising and going into the House and reporting the absentees, and the House resuming the session of the Committee of the Whole, is an automatic matter that is controlled by the rules. It has been repeatedly held when the committee rises for that purpose it is not in order to transact any other business except by unanimous consent. Sometimes a message from the Senate is received or sometimes an order by unanimous consent. Now, if it is in order, Mr. Speaker, to make a motion to adjourn, it is in order to make some other motion. True, the motion to adjourn has precedence over most motions in the House, not all of them; but if it is in order, when the committee rises for this purpose of recording the absentees, for some gentleman to make a motion to adjourn, it would be equally in order, if it rises for that purpose, for a gentleman to call up or present a conference report to the House, a matter of even higher privilege than adjournment.

On the other hand, the quorum that is necessary to transact business under these circumstances is 100, a quorum in the Committee of the Whole. If you can bring in other business before the House when you rise for this purpose, it would be a very easy matter to raise some other question in the House, and then demand a quorum in the House, and the House would then have to secure a majority of the member-

ship of the House instead of 100 Members. A ruling of that kind, it seems to me, Mr. Speaker, would be to erect a machinery that might seriously embarrass the House in the future in attempting to maintain a quorum in the Committee of the Whole House. And notwithstanding the precedent to which the gentleman refers, I think the clear logic of the situation is that when the committee rises it rises, under the rules of the House, to automatically perform a duty that the rules require it to perform, and that is, if there is a quorum present, to have it unanimously recorded on the Journal of the House, and return to the committee automatically.

The SPEAKER. The Chair is ready to rule on this matter.

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. On Wednesday, when we go into Committee of the Whole automatically, would it be in order to make a motion to adjourn before we go into the Committee of the Whole? In other words, could we adjourn on Wednesday?

The SPEAKER. Oh, yes. The real point the gentleman from Massachusetts makes is if it is proper and in order to make a motion to adjourn when, the Committee of the Whole finding itself without a quorum, the Chairman has the roll called and reports back to the House that there is a quorum present. We might as well clear up two or three things while we are at it. The Committee of the Whole can rise without a quorum. If it can not, you might go into Committee of the Whole and could not get out of it shortly. That is the one thing that the Committee of the Whole can do without a quorum when the point is raised. Now, so far as this point of order that is raised by the gentleman from Massachusetts [Mr. GARDNER] is concerned—and the Chair violates no confidence when he says that he has a great deal of respect for any opinion the gentleman from Massachusetts entertains, especially on parliamentary law, as being both intelligent and honest—in this case this rule, which is as plain as the English language can make it, evidently was put in here to prevent waste of time by filibustering. There is not much disposition in these later days to filibuster, but it is still within the bounds of possibility.

Here is the rule:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of one hundred Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear—

That does not mean a quorum of the House, but a quorum of the Committee of the Whole—100—

the committee shall thereupon resume its sitting without further order of the House.

That language was put in there to expedite business. Several times when it has occurred that the committee would rise that way, because they did not have a quorum the Chair would ask unanimous consent to lay before the House a report from the Committee on Enrolled Bills, for instance, where it was a matter of pressing necessity. And so it drifted along that way. The Chair was not trying to violate the rules; but one day there were three or four requests for leave of absence here and the Chair started to put them, when the gentleman from Illinois [Mr. MANN] interposed the objection that nothing could be done except to go back into Committee of the Whole automatically; and he was right. So the Chair has never violated it in the slightest degree since.

Now, this authority that the gentleman from Massachusetts [Mr. GARDNER] cited is very nearly no authority at all. There was not a decision rendered on the point. The Hon. Joseph C. S. Blackburn was acting as Speaker pro tempore. Here is what happened:

Mr. Edward K. Valentine, of Nebraska, moved that the House adjourn. This motion was negatived—81 noes to 38 ayes.

Now, here is what Mr. Blackburn says, and he was one of the "crack" parliamentarians of that day:

A quorum having appeared, there is nothing now for the Chair to do except to announce that the Committee of the Whole will resume its session upon the river and harbor appropriation bill, unless there be made a motion that the House now adjourn.

That seems, as far as it goes, to support the gentleman from Massachusetts [Mr. GARDNER]. Now, the headlines of this paragraph are somewhat misleading, even if they were made by the distinguished gentleman from Maine [Mr. HINDS]. But it seems to the Chair that that was not a positive ruling on the point, because it was not raised. It seems to the Chair, if this motion of the gentleman from Massachusetts is entertained, it opens up the way for every possible motion that can be made in this House, and therefore the Chair overrules the point of order.

Mr. GARDNER. Mr. Speaker, before the Chair rules, will he not give us some citation showing that the Committee of the Whole House is entitled to rise in the absence of a quorum if the point of no quorum is made?

The SPEAKER. The Chair happens to have the authority right in his hand. Section 2975, volume 4, of Hinds' Precedents, says:

The presence of a quorum is not necessary for a motion that the Committee of the Whole rise. On February 15, 1881, the House was in the Committee of the Whole House on the state of the Union, considering the river and harbor appropriation bill.

Mr. E. B. Finley, of Ohio, moved that the committee rise, and on a division on this question there were ayes 35, noes 91.

At that time it required more Members to make a quorum in the Committee of the Whole than it does now.

Mr. John Van Voorhis, of New York, made the point of order that no quorum had voted.

The Chairman (Hon. John G. Carlisle, of Kentucky) ruled:

"The Chair will now decide this point of order, as it is now presented directly. The point of order made is that it is necessary to have a quorum in order that the committee may rise. The Chair will decide, and in accordance with a large vote of this House in the Committee of the Whole during the last session of this Congress, that a quorum is not necessary to rise, which decision the Chair has here before him."

And there are other decisions that follow of the same tenor. But in the very nature of things, even if Speaker Carlisle had never made that decision, or nobody else had ever made it, it is absolutely necessary that the committee be permitted to rise without a quorum. If it were not so, the committee would stay here from now until Christmas, possibly.

Mr. GARDNER. If the Speaker will permit——

The SPEAKER. Certainly.

Mr. GARDNER. Means is provided by which a committee does rise without a quorum. What I am contending is that it is the House which ought to decide, and not the committee, on the question of adjournment. Now, what the Speaker read of Mr. Carlisle's ruling, as does the ruling of Mr. Payson, of Illinois, which immediately follows it, indicates the belief that the committee has as good a right to adjourn as the House, but I do not think that is sound. The committee has no right to adjourn if the House wishes to keep it in session, whereas I believe that the committee has no right to keep the House in session against its will.

It is quite conceivable that this committee, which we will say has had all through the day about 50 members, may be composed of those who do not wish to adjourn. On the other hand, the membership of the House, coming over from their offices, may desire to adjourn. If the Chair rules in the manner in which I am afraid that he is going to rule, it is evident that these Members coming from their offices are to have no opportunity to decide the question of adjournment. It seems to me clearly that the House is a higher authority than the Committee of the Whole House on the state of the Union. It seems to me that, so far as prior rulings are concerned, the only one squarely in point is that of Mr. Joseph C. S. Blackburn.

The SPEAKER. What does the gentleman from Massachusetts say about this ruling of Speaker Carlisle?

Mr. GARDNER. The decision of Speaker Carlisle goes to prove what the Chair said, and that is that the committee can rise without a quorum if it votes so to do. But suppose that we grant that that is true. Suppose that the committee is composed of men who do not want to rise, as obviously this committee is composed to-day. Is it not fair that the other Members shall have the right to insist that the House is an authority superior over the committee, and that the House shall have the right to decide whether it wishes the Committee of the Whole to adjourn?

The SPEAKER. The Chair knows; but the rule is positive. There is no question about the gentleman's contention that the House is a body of greater authority than the Committee of the Whole. But when the Committee of the Whole finds itself without a quorum anybody can raise that point, and then it is binding on the Committee of the Whole and on the Chairman and on everybody concerned to have a roll call, to find out whether or not there is a quorum of the committee here.

The only thing that the committee can do, if anybody raises a point of order and it is ascertained that no quorum is present, is to rise. Of course that is practically an adjournment of the committee. Now, if a committee, sitting after it secures a quorum, concludes that it wants to rise, it rises in the usual way by some one rising and making a motion for it to rise, and then, when the Chairman has *made his* report to the House, temporarily, that committee is functus officio, and the House takes charge of it; and if the House wants to go back into committee again, then some one simply makes a motion, and in this case it would be automatic, and back they would go. If it were not that way we never would get away.

Mr. MURRAY of Oklahoma. Mr. Speaker——

Mr. GARDNER. One moment, Mr. Speaker. Would the Speaker, if a Member rose for that purpose, entertain a motion to appeal from his ruling?

The SPEAKER. Of course.

Mr. GARDNER. How can he entertain an appeal from his ruling? That might require a yea-and-nay vote, and it would require a majority of the House to be present to vote on that appeal if the Chair rules in the way he has indicated.

The SPEAKER. The Chair knows. The gentleman made his motion and made a point of order, and the Chair overrules it; and the Chair thinks the gentleman has the right to appeal if he chooses to.

Mr. GARDNER. If the Chair has ruled, I appeal from the decision of the Chair.

The SPEAKER. The question is, Shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the decision of the Chair will rise.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to lay the motion on the table. Those in favor of tabling the appeal will say "aye."

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARDNER. A division, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] demands a division. Those in favor of tabling the appeal will rise and stand until they are counted.

At this point Mr. HARRISON assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore (after counting). On this vote the ayes are 112 and the noes are 26.

Mr. GARDNER. Mr. Speaker, I raise the point of order that there is no quorum present.

Mr. MURRAY of Oklahoma. Mr. Speaker, I want to make a suggestion in reply to the gentleman's statement.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. CONRY. Mr. Speaker, I raise a point of order that that motion is dilatory and not in order, for the reason that we have just had——

Mr. GARDNER. It is clearly not dilatory. The question of a quorum is raised for the purpose of deciding a very important question.

The SPEAKER pro tempore. The Chair will count to see if a quorum is present. [After counting.] On this vote there are 138 Members present, and the appeal is overruled. The Chair is sustained on the appeal by a vote of 112 to 26.

Mr. GARDNER. But I have raised a point of order that there is no quorum present.

At this point the Speaker resumed the chair.

The SPEAKER. There is a quorum of the Committee of the Whole that has to be here.

Mr. GARDNER. No, Mr. Speaker. This is a question of constitutional right. We are voting on a motion to table a certain proposition. If the vote were on the ruling itself, I should not be so sure; but the motion made was to table an appeal in the House, not in the Committee of the Whole. The mace is there in its place, the Speaker is in his place, and the House can not constitutionally transact business without a quorum.

The SPEAKER. The Chair thinks the gentleman is correct. One hundred and thirty-eight—no quorum present.

Mr. UNDERWOOD. The automatic rule applies there, Mr. Speaker.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of tabling the appeal will vote "yea"; those opposed will vote "nay."

The question was taken; and there were—yeas 169, nays 52, answered "present" 7, not voting 205, as follows:

YEAS—169.

Abercrombie	Brown, N. Y.	Cox	Fergusson
Adair	Bryan	Crosser	Ferris
Adamson	Buchanan, Ill.	Cullop	Fields
Alexander	Buchanan, Tex.	Curry	FitzHenry
Aswell	Bulkley	Davenport	Flood, Va.
Bailey	Burgess	Decker	Fordney
Baker	Burnett	Dent	Foster
Baltz	Byrnes, S. C.	Dickinson	Fowler
Barkley	Byrns, Tenn.	Dillon	Gallagher
Barnhart	Candler, Miss.	Dixon	Gallivan
Bartlett	Cantor	Donovan	Garner
Barton	Carr	Doolittle	Garrett, Tex.
Beakes	Church	Doremus	Gerry
Bell, Cal.	Clancy	Doughton	Gilmore
Blackmon	Claypool	Eagan	Glass
Booher	Collier	Eagle	Godwin, N. C.
Borchers	Connelly, Kans.	Edwards	Goeke
Borland	Conry	Faison	Goodwin, Ark.
Brockson	Covington	Falconer	Gordon
Gray	Lieb	Plumley	Taylor, Ark.
Gregg	McKellar	Post	Taylor, N. Y.
Hammond	MacDonald	Quin	Ten Eyck
Hardy	Maguire, Nebr.	Ragsdale	Thacher
Harrison	Mahan	Rainey	Thomas
Heflin	Mitchell	Raker	Thompson, Okla.
Helm	Moon	Reed	Townsend
Helvering	Morgan, La.	Reilly, Wis.	Tribble
Henry	Morgan, Okla.	Roberts, Nev.	Underhill
Hensley	Morrison	Rouse	Vaughan
Holland	Moss, Ind.	Rubey	Vollmer
Hull	Murdock	Russell	Walsh
Igoe	Murray, Okla.	Seldomridge	Watkins
Jacoway	Neeley, Kans.	Sharp	Watson
Johnson, S. C.	Neely, W. Va.	Sims	Weaver
Johnson, Wash.	O'Brien	Sisson	Webb
Keating	Oglesby	Smith, Idaho	Williams
Kennedy, Conn.	Oldfield	Stedman	Wilson, Fla.
Key, Ohio	O'Leary	Steenerson	Wingo
Kindel	Padgett	Stephens, Tex.	Witherspoon
Kinkead, N. J.	Page, N. C.	Stevens, N. H.	Young, Tex.
Korbly	Park	Stone	
Lever	Peters, Mass.	Sumners	
Levy	Phelan	Talcott, N. Y.	

NAYS—52.

Anderson	Greene, Mass.	Knowland, J. R.	Sloan
Austin	Greene, Vt.	La Follette	Smith, Minn.
Avis	Hamilton, Mich.	Lewis, Pa.	Smith, Saml. W.
Britten	Hayes	McKenzie	Stephens, Cal.
Cary	Helgesen	McLaughlin	Stevens, Minn.
Cooper	Hinds	Mapes	Thomson, Ill.
Davis	Howell	Moss, W. Va.	Towner
Esch	Hulings	Nolan, J. I.	Treadway
Fess	Humphrey, Wash.	Norton	Volstead
French	Johnson, Utah	Paige, Mass.	Walters
Gardner	Kahn	Powers	Willis
Gillett	Keister	Rogers	Woods
Good	Kennedy, Iowa	Sinnott	Young, N. Dak.

ANSWERED "PRESENT"—7.

Browning	Frear	Madden	Underwood
Burke, S. Dak.	Guernsey	Scott	

NOT VOTING—205.

Aiken	Edmonds	Konop	Prouty
Ainey	Elder	Kreider	Rauch
Allen	Estopinal	Lafferty	Rayburn
Ansberry	Evans	Langham	Reilly, Conn.
Anthony	Fairchild	Langley	Riordan
Ashbrook	Farr	Lazaro	Roberts, Mass.
Barchfeld	Finley	Lee, Ga.	Rothermel
Bartholdt	Fitzgerald	Lee, Pa.	Rucker
Bathrick	Floyd, Ark.	L'Engle	Rupley
Beall, Tex.	Francis	Lenroot	Sabath
Bell, Ga.	Gard	Lesher	Saunders
Bowdle	Garrett, Tenn.	Lewis, Md.	Scully
Brodbeck	George	Lindbergh	Sells
Broussard	Gittins	Lindquist	Shackleford
Brown, W. Va.	Goldfogle	Linthicum	Sherley
Browne, Wis.	Gorman	Lloyd	Sherwood
Bruckner	Goulden	Lobeck	Shreve
Brumbaugh	Graham, Ill.	Loft	Slayden
Burke, Pa.	Graham, Pa.	Logue	Slemp
Burke, Wis.	Green, Iowa	Lonergan	Small
Butler	Griest	McAndrews	Smith, J. M. C.
Calder	Griffin	McClellan	Smith, Md.
Callaway	Gudger	McCoy	Smith, N. Y.
Campbell	Hamill	McDermott	Smith, Tex.
Cantrill	Hamilton, N. Y.	McGillicuddy	Sparkman
Caraway	Hamlin	McGuire, Okla.	Stafford
Carew	Hardwick	Maher	Stanley
Carlin	Hart	Manahan	Stephens, Miss.
Carter	Haugen	Mann	Stephens, Nebr.
Casey	Hawley	Martin	Stout
Chandler, N. Y.	Hay	Merritt	Stringer
Clark, Fla.	Hayden	Metz	Sutherland
Clayton	Hill	Miller	Switzer
Cline	Hinebaugh	Mondell	Taggart
Coady	Hobson	Montague	Talbott, Md.
Connolly, Iowa	Houston	Moore	Tavenner
Copley	Howard	Morin	Taylor, Ala.
Cramton	Hoxworth	Mott	Taylor, Colo.
Crisp	Hughes, Ga.	Murray, Mass.	Temple
Dale	Hughes, W. Va.	Nelson	Tuttle
Danforth	Humphreys, Miss.	O'Hair	Vare
Deitrick	Johnson, Ky.	O'Shaunessy	Walker
Dershem	Jones	Palmer	Wallin
Dies	Kelley, Mich.	Parker	Whaley
Difenderfer	Kelly, Pa.	Patten, N. Y.	Whitacre
Donohoe	Kennedy, R. I.	Patton, Pa.	White
Dooling	Kent	Payne	Wilson, N. Y.
Driscoll	Kettner	Peters, Me.	Winslow
Drukker	Kiess, Pa.	Peterson	Woodruff
Dunn	Kinkaid, Nebr.	Platt	
Dupré	Kirkpatrick	Porter	
Dyer	Kitchin	Pou	

So the appeal was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. BURKE of Wisconsin with Mr. FREAR.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SMITH of Texas with Mr. BARCHFELD.

Mr. DALE with Mr. MARTIN.
Mr. SLAYDEN with Mr. BURKE of Pennsylvania.
Mr. AIKEN with Mr. BARTHOLDT.
Mr. PALMER with Mr. VARE.
Mr. SHERLEY with Mr. BUTLER.
Mr. FITZGERALD with Mr. SWITZER.
Mr. BELL of Georgia with Mr. BURKE of South Dakota.
Mr. STEPHENS of Mississippi with Mr. SCOTT.
Mr. GUDGER with Mr. GUERNSEY.
Mr. MURRAY of Massachusetts with Mr. PAYNE.
Mr. DEITRICK with Mr. DUNN.
Mr. LEE of Pennsylvania with Mr. PORTER.
Mr. HARDWICK with Mr. MANAHAN.
Mr. GEORGE with Mr. LINDQUIST.
Mr. DRISCOLL with Mr. MOTT.
Mr. DONOHOE with Mr. LAFFERTY.
Mr. CLARK of Florida with Mr. LANGHAM.
Mr. ASHBROOK with Mr. FARR.
Mr. BROWN of West Virginia with Mr. GRAHAM of Pennsylvania.
Mr. TALBOTT of Maryland with Mr. MERRITT.
Mr. CLAYTON with Mr. PETERS of Maine.
Mr. COADY with Mr. GRIEST.
Mr. DIFENDERFER with Mr. SLEMP.
Mr. HAY with Mr. LANGLEY.
Mr. TAVENNER with Mr. AINEY.
Mr. SMALL with Mr. ANTHONY.
Mr. ROTHERMEL with Mr. BROWNE of Wisconsin.
Mr. MONTAGUE with Mr. CALDER.
Mr. O'HAIR with Mr. CAMPBELL.
Mr. ALLEN with Mr. COPLEY.
Mr. ANSBERRY with Mr. CRAMTON.
Mr. BATHRICK with Mr. DANFORTH.
Mr. BOWDLE with Mr. DRUKKER.
Mr. BRODBECK with Mr. DYER.
Mr. BEALL of Texas with Mr. EDMONDS.
Mr. BRUMBAUGH with Mr. HAMILTON of Michigan.
Mr. CARAWAY with Mr. HAUGEN.
Mr. CARTER with Mr. HAWLEY.
Mr. CLINE with Mr. HINEBAUGH.
Mr. DERSHEM with Mr. KELLEY of Michigan.
Mr. WEBB with Mr. KELLY of Pennsylvania.
Mr. GARD with Mr. KENNEDY of Rhode Island.
Mr. GARRETT of Tennessee with Mr. KEISS of Pennsylvania.
Mr. HOUSTON with Mr. KINKAID of Nebraska.
Mr. HUGHES of Georgia with Mr. KREIDER.
Mr. HUMPHREYS of Mississippi with Mr. LANGLEY.
Mr. KETTNER with Mr. LINDBERGH.
Mr. KITCHIN with Mr. MCGUIRE of Oklahoma.
Mr. LEE of Georgia with Mr. MONDELL.
Mr. LEWIS of Maryland with Mr. MOORE.
Mr. LESHER with Mr. NELSON.
Mr. LLOYD with Mr. PATTON of Pennsylvania.
Mr. POU with Mr. PROUTY.
Mr. RAUCH with Mr. ROBERTS of Massachusetts.
Mr. REILLY of Connecticut with Mr. RUPLEY.
Mr. SABATH with Mr. SELLS.
Mr. SAUNDERS with Mr. SHREVE.
Mr. WALKER with Mr. J. M. C. SMITH.
Mr. DUPRÉ with Mr. TEMPLE.
Mr. ESTOPINAL with Mr. WINSLOW.
Mr. EVANS with Mr. WOODRUFF.
Until May 18:
Mr. MCCLELLAN with Mr. MILLER.

Mr. BROWNING. Mr. Speaker, I voted "no." I have a general pair with my colleague, Mr. SCULLY. I wish to withdraw my vote and to be recorded present.

Mr. FREAR. Mr. Speaker, is the gentleman from Wisconsin, Mr. BURKE, recorded as voting?

The SPEAKER. He is not.

Mr. FREAR. I had a pair with him on another question, and I will allow it to stand on this. I voted "no." I desire to withdraw my vote and to be recorded present.

Mr. SCOTT. I voted "no." I desire to withdraw that vote, as I am paired with the gentleman from Mississippi, Mr. STEPHENS. I desire to be recorded present.

Mr. UNDERWOOD. Mr. Speaker, I have a standing pair with the gentleman from Illinois, Mr. MANN, and he is not present. I voted "aye." I desire to withdraw that vote and to be recorded present.

The result of the vote was announced as above recorded.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. Would it now be in order for the gentleman from Alabama [Mr. UNDERWOOD] to move to adjourn?

The SPEAKER. It would not. The Doorkeeper will unlock the doors.

The Chair wishes to state, while this matter is fresh in the minds of the Members, that in a desire to be absolutely fair the Chair leaned backward. He never ought to have entertained the appeal of the gentleman from Massachusetts [Mr. GARDNER] or anything else. The committee will resume its sitting.

Mr. MURDOCK. Will the Chair yield?

The SPEAKER. The Chair will listen to the gentleman.

Mr. MURDOCK. Ought not the Chair to have refused recognition to the gentleman from Massachusetts? But if the Chair decided the point, then did not the House have the right to pass upon it?

The SPEAKER. Of course, the gentleman is right. The Chair ought to have refused recognition at all. That was, in effect, what the Chair did finally.

Mr. MURDOCK. But after the Speaker had decided the point, then it was within the rights of the House to pass upon it.

The SPEAKER. I know; but the Speaker had no business to recognize the gentleman from Massachusetts, or anybody else, to do anything; and what has happened since convinces the Chair beyond any controversy in the world that he never ought to have recognized the gentleman from Massachusetts or anybody else to make any motion, because this illustrates precisely what could be done. You could keep going around in a circle, wasting time. The committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. RUSSELL in the chair.

The CHAIRMAN. The Committee of the Whole House on the state of the Union is in session for the further consideration of House bill 15578. The Clerk will proceed with the reading of the bill.

Mr. ANDERSON. Before we pass section 82, I should like to move to strike out the last two words. The section provides that—

> The allowances for the personal compensation of the clerks of the district courts and circuit courts of appeal shall be made from the fees and emoluments of that year earned by them, respectively, and not otherwise.

The language "used by them, respectively," is new language. I would like to ask the chairman of the committee what is the effect of that language?

The CHAIRMAN. The Chair will state to the gentleman that section 82 has not yet been read. The Clerk will read.

The Clerk read as follows:

> SEC. 82. The allowances for the personal compensation of the clerks of the district courts and circuit courts of appeal shall be made from the fees and emoluments of that year earned by them, respectively, and not otherwise.

Mr. ANDERSON. Now, Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman the effect of the new language in that section, on page 50, "earned by them, respectively."

Mr. WATKINS. Under the law as it formerly stood the clerk got fees up to $3,500, and in earning those fees he received pay from those alone. Now clerks are placed on a salary of $5,000, and it is only fees they earn themselves, each individual clerk, under the provision of this bill. They receive their pay out of those fees. If the bill is passed in the present form, they will receive $5,000 and no more out of the fees earned respectively by each clerk and for that particular year. If he does not earn $5,000 in amount, he does not get a $5,000 salary.

Mr. ANDERSON. The effect of the language, then, is to limit the salary of the clerk to the amount of fees and emoluments earned by him?

Mr. WATKINS. Yes; provided it does not reach over $5,000. All over that sum goes into the Treasury.

Mr. ANDERSON. I understand there has been a section passed over that provides for fixing the salary of the clerk, and it seems to me that this section ought to be passed over, too.

Mr. WATKINS. There is an amendment pending on that question, but it refers to the fees in naturalization cases, and that would not necessarily change the $5,000 salary.

Mr. ANDERSON. Does the gentleman intend under this section that some clerks shall receive more salary than others?

Mr. WATKINS. No; all receive the same salary.

Mr. ANDERSON. The effect would be to limit the salary, so that it might be less.

Mr. WATKINS. If they did not earn it, they would not get it; but, as far as my examination of the records goes, they have earned that amount heretofore

Mr SCOTT. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SCOTT. Is there not an amendment pending relative to fixing the salary of deputy clerks?

Mr. ANDERSON. I think so.

Mr. SCOTT. Does not that affect directly this section because the compensation of the clerk is governed in part by the question of the fees of the deputy?

Mr. WATKINS. No; not those deputies certified to as necessary for the dispatch of business.

Mr. SCOTT. The deputy must be paid out of the earnings of the clerk, and if the earnings are under the limit allowed it will reduce the sum that the clerk is to be paid materially; the deputies do not draw the same salaries in all districts.

Mr. WATKINS. Under the present law most of the clerks receive a salary of $3,500, and this bill adds $1,500 to the salary of the clerks. That is a little higher compensation than they have received heretofore. But it must be borne in mind that the clerks of the district court have not been called upon heretofore to perform the work for the circuit court which is now abolished.

Mr. ANDERSON. The one question I intended to raise was whether this section ought not to be passed over in view of the fact that a section affecting the salary has been passed over.

Mr. WATKINS. No; the object in passing over the former section was to make an inquiry of the Bureau of Naturalization to determine whether that particular section should be amended or rewritten to conform to the naturalization laws particularly.

Mr. WILLIS. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. WILLIS. If I understand the effect of this new language in this paragraph, it is to provide that in no case shall a clerk receive more than $5,000, and he may receive less in the event that his fees do not amount to that much in any one year. What I want to ask is, Is that cumulative? Suppose the fees earned were $4,000 in one year and in the next $7,000.

Mr. WATKINS. It must depend on the salary for each year.

Mr. SCOTT. Mr. Chairman, I move to strike out the last two words. This section limits the payment of personal compensation of a clerk to the fees personally earned by such clerk. As I have been informed there has been introduced an amendment to a previous section which will take the deputy clerks out of their present class and place them on a salary.

Mr. WATKINS. I have not had an opportunity to examine that amendment; it is in the form of a bill that was introduced some time ago, and it has just been offered as an amendment this afternoon.

Mr. SCOTT. I will say to the gentleman that that bill does provide for placing the deputy clerks on a salary. At the present time the clerks are required to pay the deputies out of the moneys received by the office and as a part of the expenses of the office. Now, under that rule, of course it reduces the total net receipts of the office and would affect the compensation of the clerks under this bill if the total receipts of the office only exceeded the amount of the maximum salary of the clerk by a small amount. That being true, it is quite likely that this section will be directly affected by that amendment. It will directly affect that amendment in all cases where the net receipts of the clerk's office are less than the maximum amount of his salary plus the salary of the deputy. In that case, it seems to me that this section should be passed, and considered in connection with those other sections, because it is inseparably connected. If the gentleman will read that bill, which, as I understand, he has not had time to examine, he will see then that such is the case.

Mr. WATKINS. Mr. Chairman, we can not contemplate something that may be passed hereafter. If we find out that any law is passed that will conflict with any section in the bill, then will be time enough to remedy the defect.

Mr. SCOTT. Mr. Chairman, I am making the suggestion only because I understood that other sections had been passed upon that theory.

Mr. WATKINS. Just the one on the question of fees in naturalization cases. That is all.

The CHAIRMAN. The pro forma amendment will be withdrawn.

Mr. HEFLIN. Mr. Chairman, I desire to ask the gentleman from Louisiana a question. This does not apply to deputy marshals?

Mr. WATKINS. Not in this section.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 85. Before any bill of costs shall be taxed by any judge or other officer, or any account payable out of the money of the United States shall be allowed by any officer of the Treasury in favor of clerks, marshals, district attorneys, assistant district attorneys, or United States commissioners, the party claiming such account shall render the same, with the vouchers and items thereof, to the United States district court, and in the presence of the district attorney or his sworn assistant, whose presence shall be noted on the record, prove in open court, to the satisfaction of the court, by his own oath or that of other persons having knowledge of the facts, to be attached to such account, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and the court shall thereupon cause to be entered of record an order approving or disapproving the account, as may be according to law and just. Accounts and vouchers of clerks, marshals, district attorneys, assistant district attorneys, and United States commissioners shall be made in duplicate, to be marked, respectively, "original" and "duplicate." And it shall be the duty of the clerk to forward the original accounts and vouchers of the officers above specified, when approved, to the Attorney General, and to retain the duplicates in his office, where they shall be open to public inspection at all times. United States commissioners shall forward their accounts, duly verified by oath, to the district attorneys of their respective districts, by whom they shall be submitted for approval in open court. Before transmission to the Department of the Treasury, the accounts of district attorneys, assistant district attorneys, marshals, commissioners, clerks, and other officers of the courts of the United States, except consular courts, made out and approved as required by law, and accounts relating to prisoners convicted or held for trial in any court of the United States, and all other accounts relating to the business of the Department of Justice or of the courts of the United States other than consular courts, shall be sent with their vouchers to the Attorney General and examined under his supervision. The Attorney General, after the examination of said accounts and vouchers under his supervision, shall transmit the same to the Treasury Department for the examination and certification of the accounting officers, in the manner provided in case of other public accounts: *Provided*, That no accounts of fees paid to any juror or fees or expenses paid to any witness upon the order of any judge or commissioner shall be so reexamined as to charge any marshal for an erroneous taxation of such fees or expenses.

Mr. WATKINS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 52, line 8: After the word "that," strike out the remainder of the section and insert in lieu thereof the following:

"The necessary office expenses of the clerks of the district courts shall be allowed, when approved by the Attorney General: *Provided further*, That no accounts of fees paid to any juror, or fees or expenses paid to any witness, upon the order of any judge or commissioner, shall be so reexamined as to charge any marshal for an erroneous taxation of such fees or expenses."

Mr. ANDERSON. Mr. Chairman, I think the chairman ought to explain that amendment.

Mr. WATKINS. Mr. Chairman, I will be very glad to explain it. It is in line with the other enactments on previous sections. The clerk of the court is governed by a fee bill and has collected his pay from the fees of his office. He still collects his salary from the fees of his office as heretofore. It is to the Government's interest that there should be a report made and an examination, so that they can verify the fees which are claimed to be earned and can ascertain which fees had been earned and had not been collected, and the clerk can be held responsible for efforts on his part to make the collection. That is one proposition. The other is that it makes it in harmony with the provisions relating to the other officers which have been heretofore disposed of.

Mr. ANDERSON. Mr. Chairman, there is some language in the bill just preceding the amendment which reads as follows:

The Attorney General, after the examination of said accounts and vouchers under his supervision, shall transmit the same to the Treasury Department for the examination and certification of the accounting officers in the manner provided in case of other public accounts.

Do I understand that it is the intention to give the auditors in the Treasury Department the right to reaudit the accounts which have been audited by the Attorney General?

Mr. WATKINS. The facts are that heretofore those accounts have gone directly to the Treasury Department, wherever it was necessary to refer them at all—that is, where they had a supervision of them—but now this provision is that they shall go directly to the Attorney General, because he is in the Department of Justice, and he is supposed, from the dockets and the reports that he has, to be in touch with that line of work. It goes first to the Attorney General's office, and then is rechecked in the Treasury Department, which makes a double checking.

Mr. ANDERSON. My impression is that the purpose of the audit primarily in the Treasury Department is to determine whether the expenditure is authorized by law. I do not see just how that question can arise in the case of accounts or vouchers to be audited by the Attorney General under this section.

Mr. WATKINS. It does not substantially change the law. It does change the procedure slightly. It has always been the

rule that they must be checked up, that they must be verified. They went first to the Treasury Department, and whatever checking was done in the Department of Justice was done after the Treasury Department had checked them.

Mr. ANDERSON. I do not see why it is necessary to make the change.

Mr. WATKINS. It makes it primarily the duty of the Department of Justice to verify the accounts, to check them up, and after the Attorney General has passed on them they go to the Treasury Department for rechecking.

Mr. ANDERSON. It seems to me to be an unnecessary and absurd proposition.

Mr. WATKINS. I do not know that it is unnecessary to have these claims carefully investigated.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, the House has had a very strenuous day, and I think everybody here is very tired, and those who are away from here are evidently not very much interested, and I suggest the absence of a quorum.

Mr. WATKINS. Mr. Chairman, I recognize the fact that we have had a very arduous day, although slow progress has been made for the amount of time we have consumed, and I agree with the gentleman from Illinois that the best thing we can do is to adjourn, and I therefore move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MCGILLICUDDY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Edward Kelley, H. R. 7154, Sixty-second Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SLEMP, for 10 days, on account of important business.

To Mr. GORDON, for 3 days, on account of important business.

MINORITY VIEWS ON HOUSE JOINT RESOLUTION 250.

Mr. RAKER. Mr. Speaker, House joint resolution 250 had a report filed thereon, No. 579. I obtained unanimous consent last week to file a minority report, since which time the original report has been withdrawn—day before yesterday—and permission given to file a new report. I now ask unanimous consent for 10 days in which the minority members may file a report to the new report when it is filed.

The SPEAKER. What bill is that?

Mr. RAKER. House joint resolution 250.

The SPEAKER. What is it about?

Mr. RAKER. It authorizes and directs the Secretary of the Interior to make classification of unreserved public lands.

The SPEAKER. The gentleman from California asks unanimous consent for 10 days in which to file the views of the minority on House joint resolution 250. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I think that the gentlemen who are interested on the other side of this case should be here when this request is made.

Mr. CANTOR. I will state to the gentleman that I am a member of that committee, and I am on the other side, and that there will be no objection on the part of the committee to granting the request of the gentleman from California.

Mr. RAKER. I want to say to the gentleman from Illinois that night before last, when there were but a few here, the original report filed was asked to be withdrawn and a new report substituted without coming before the committee. Now, I think the minority members, who have given this matter a good deal of study and consideration, ought to be permitted to file their views upon the matter.

Mr. MADDEN. Have they filed any views?

Mr. RAKER. Not yet.

Mr. ANDERSON. Does not the gentleman think he ought to give the chairman of the committee notice to be present to say whether or not he would object?

Mr. RAKER. I desire to say I have been a member of the committee that has been working on these matters, and the last report was withdrawn and consent was given to file a new report. Now, undoubtedly the members of the committee who have been investigating and working on this matter ought to have time in which to file their views, so that the matter may come before the House properly.

Mr. GARDNER. Will the gentleman yield?

Mr. RAKER. I do.

Mr. GARDNER. Is there any possibility of getting this bill up in the next 10 days?

Mr. RAKER. No.

Mr. GARDNER. Hence if the House grants 10 days in which to file the minority views it would not delay the bill.

Mr. RAKER. No; there is no way on earth that I can see. Under the program passed that we will take up certain matters, it will take the House for the next two weeks and more.

Mr. GARDNER. The gentleman is cognizant of where the call of committees rests?

Mr. RAKER. Yes.

Mr. GARDNER. And does not think anything would be lost?

Mr. RAKER. No.

Mr. BRYAN. The gentleman states this is not a resolution included in the Democratic caucus' special program?

Mr. RAKER. It is not.

Mr. BRYAN. Then what is the difference whether the minority reports or anybody agrees on those things?

Mr. RAKER. Simply because I do not propose, if I can help it, to let a resolution lie here from a committee of which I am a member and to which I have given consideration and to which I am opposed without filing the views of the minority of that committee, so that the House will have the benefit of them, or letting it go through without Members having an opportunity to see them.

Mr. BRYAN. This has not any reference to the Democratic caucus' special program?

Mr. RAKER. It has not.

Mr. MADDEN. I suggest that the gentleman have five days. He ought not to object to that.

Mr. CANTOR. It makes no difference whether it is five or ten.

Mr. MADDEN. It may. It may be that there are gentlemen in the committee who will want to call this bill up within 10 days.

The SPEAKER. Does the gentleman from California [Mr. RAKER] change his request?

Mr. RAKER. Why, yes.

The SPEAKER. Is there objection to the gentleman having five days? [After a pause.] The Chair hears none.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 3432. An act to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4167, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio [Mr. KEY] asks unanimous consent to take the bill just reported from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

Mr. KEY of Ohio. To insist on the House amendments and agree to a conference.

The SPEAKER. Insist on the House amendments and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none.

The Chair appoints the following conferees: Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS.

Mr. KEY of Ohio. I also ask for a similar order on the bill S. 4260.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman asks unanimous consent to take the bill from the Speaker's table, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the same conferees as on the previous bill.

Mr. KEY of Ohio. Mr. Speaker, I ask for a similar order on the bill S. 4353.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take the bill from the Speaker's table, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the same conferees as on the previous bills.

Mr. KEY of Ohio. Mr. Speaker, I ask for a similar order on the bill S. 4657.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

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ADJOURNMENT.

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until Thursday, May 14, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting list of acceptances issued by the Department of the Treasury for sites for public buildings and submitting estimates for the necessary appropriations therefor (H. Doc. No. 975), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16392) to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea, reported the same with amendment, accompanied by a report (No. 671), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 15301) authorizing the appointment of Maj. George A. Armes, retired, to the rank and grade of brigadier general on the retired list of the United States Army without increase of pay, reported the same with amendment, accompanied by a report (No. 670), which said bill and report were referred to the Private Calendar.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 237) to authorize the appointment of Charles A. Meyer as a cadet in the United States Military Academy, reported the same without amendment, accompanied by a report (No. 672), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BAILEY: A bill (H. R. 16509) to amend subsection 9 of section 4 of the act entitled "An act to amend and codify the laws relating to municipal corporations in the District of Alaska," approved April 28, 1904; to the Committee on the Territories.

By Mr. ADAMSON: A bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes; to the Committee on Military Affairs.

By Mr. SELDOMRIDGE: A bill (H. R. 16511) to amend the acts of July 1, 1862, and July 2, 1864, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, to declare a forfeiture of certain public lands granted as a railroad right of way, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 16512) authorizing the Secretary of War to donate to E. B. Young Post, No. 87, and Yeager Post, No. 13, Grand Army of the Republic, Department of Pennsylvania, Allentown Pa., two cannon or fieldpieces, to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 16513) to amend an act amending section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved March 3, 1913; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: Resolution (H. Res. 514) to provide for the consideration of H. J. Res. 1; to the Committee on Rules.

By Mr. SHARP: Resolution (H. Res. 515) to provide for the consideration of sundry items in the Diplomatic and Consular appropriation bill (H. R. 15762); to the Committee on Rules.

By Mr. MONDELL: Joint resolution (H. J. Res. 266) authorizing and validating certain exchanges of land between the United States and the several States; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 16514) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. CANTRILL: A bill (H. R. 16515) for the relief of Henry Richardson and others; to the Committee on Claims.

By Mr. CHURCH: A bill (H. R. 16516) granting a pension to Jay A. Griffith; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16517) granting a pension to John M. Unsell; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 16518) granting an honorable discharge to James Neal; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 16519) granting an increase of pension to George W. Wolfe; to the Committee on Invalid Pensions.

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By Mr. FOWLER: A bill (H. R. 16521) granting a pension to James F. Mitchell; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 16522) granting an increase of pension to Michael Petty; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 16523) granting a pension to Louis Naegele; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 16524) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Claims.

By Mr. HARRISON: A bill (H. R. 16525) for the relief of the estate of Robert Moore; to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 16526) granting a pension to Alta M. Comstock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16527) for the relief of Isabel E. Rockwell; to the Committee on Claims.

By Mr. HELVERING: A bill (H. R. 16528) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Phillip Hudspeth; to the Committee on Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 16529) granting a pension to Mary E. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16530) granting an increase of pension to George Lovett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16531) granting an increase of pension to John Smith; to the Committee on Invalid Pensions.

By Mr. McCOY: A bill (H. R. 16532) granting a pension to Margaret M. Van Nortwick; to the Committee on Pensions.

Also, a bill (H. R. 16533) granting a pension to Mary Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16534) to provide for the refund of certain duties incorrectly collected on rough and faced opals; to the Committee on Claims.

By Mr. ROGERS: A bill (H. R. 16535) granting a pension to Mary E. Sweetser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16536) granting an increase of pension to Francis J. O'Hearn; to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16537) granting an increase of pension to Alfred P. Haskill; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 16538) granting an increase of pension to Lewis H. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16539) granting an increase of pension to Lizzie Waltz; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 16540) granting an increase of pension to Benjamin P. Holmes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions from certain citizens of Clarinda, Iowa; Craig, Mo.; McConnellsburg, Pa.; Newark, Del.; Waterman, Ill.; Pittsburgh, Pa.; Ewart, Pa.; Altoona, Ill.; Briggsville, Ill.; Brooklyn, N. Y.; Wilmington, Del.; Passaic, N. J.; Ackley, Iowa; New York, N. Y.; River Forest, Ill.; Gloversville, N. Y.; Equality, Ill.; Springfield, Ill.; Charlestown, Ill.; Woonsocket, R. I.; Harrisville, Pa.; Fairton, N. J.; Crestline, Ohio; Madrid, N. Y.; Wappinger Falls, N. Y.; Moline, Ill.; Arlington, Ill.; Delhi, N. Y.; Eau Claire, Pa.; St. Paul, Minn.; Airville, Pa.; Ipava, Ill.; Keokuk, Iowa; Bellaire, Ohio; Minneapolis, Minn.; Monticello, N. Y.; Valatie, N. Y.; Albany, N. Y.; Mattawan, N. Y.; Montello, Wis.; Thompson Ridge, N. Y.; Joy, N. Y.; West Liberty, Pa.; and Burlington, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of La Grange, Tex., and New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of the Military Order of the Loyal Legion, relative to allegiance to the General Government, etc.; to the Committee on the Judiciary.

Also (by request), resolutions of certain citizens of Cincinnati, Ohio; Washington, Pa.; Niagara Falls, N. Y.; Herington, Kans., New Castle, Pa.; Welford, S. C.; Rochester, N. Y.; Lincoln, Kans.; Oil City, Pa.; Meriden, Iowa; Viola, Ill.; Hudson, Wis.; Des Moines, Iowa; Reading, Minn.; Buda, Ill.; Adel, Iowa; East Unity, Pa.; Hopkinton, Iowa; Calmount, Pa.; New York City, N. Y.; Little Valley, N. Y.; Le Roy, Minn.; and Ottumwa, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAIR: Petition of various voters of Fall Creek Township, Madison County, and Pendleton, Ind., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of sundry citizens of Muscogee County, Ga., favoring national prohibition; to the Committee on the Judiciary.

By Mr. AVIS: Resolution adopted at a mass meeting in the city of Parkersburg, W. Va., certified to by Mrs. Milton McNeilan, chairman of said meeting, favoring woman-suffrage amendment; also, resolution adopted at suffrage meetings held in Wheeling, W. Va., May 1 and 2, 1914, certified to by Miss Anne M. Cummins, corresponding secretary, favoring woman-suffrage amendment; also, resolution adopted at suffrage meetings held in Wheeling, W. Va., May 1 and 2, 1914, certified to by Miss Florence Hoge, president Wheeling Equal Suffrage Association, favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of William Van Buren, H. A. Coffman, R. F. Lewis, and 39 other citizens of Pocahontas County; of P. L. Houghton and 31 other citizens of Upshur County; of W. E. Dollman, E. B. Hinman, and 49 other citizens of Charleston; and of S. F. Boling and 13 other citizens of Fayette County, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of the Bay View Reading Club, of Lewiston, Pa., relative to Government acquiring Monticello, home of Thomas Jefferson; to the Committee on Public Buildings and Grounds.

By Mr. BARTHOLDT: Petitions of the Holekamp Lumber Co., the Western Refrigerator & Manufacturing Co., the Stecker Cooperage Works, the St. Louis Hardware Manufacturing Co., the American Stove Co., the J. B. Sickles Saddlery Co., the P. K. Engineers, Andrew Meyer, sr., Andrew Meyer, jr., and Jacob Ruedi, all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of the International Union of Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

Also, petition of the executive committee of the American Peace Society and the New York Peace Society, favoring mediation with Mexico; to the Committee on Foreign Affairs.

Also, petition of 53 business firms of Kansas City, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 63 citizens of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petitions of F. Courvoisier, the Peelers Pharmacy Co., and the Western Optical Co., all of St. Louis, Mo., in favor of House bill 13305, to prevent discrimination in prices; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the St. Louis Turn Bezirk (5,000 members), the Central National Bank, the Chippewa Bank, the German-American Bank, the German Savings Institution the Kellermann Contracting Co., the Hartmann Bricklaying & Contracting Co., the H. H. Weber & Sons Nursery Co., the A. Graf Distilling Co., the Missouri Tent & Awning Co., and the Liquid Carbonic Co., all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of a public meeting at Chicago, Ill., in favor of a peaceful settlement of the Mexican troubles; to the Committee on Foreign Affairs.

Also, petitions of the Stewart-Greer Lumber Co. and the Boatmen's Bank of St. Louis, Mo., and William Volke & Co., of Kansas City, Mo., in favor of House bill 14328, relative to transmission of false statements through the mails; to the Committee on the Post Office and Post Roads.

By Mr. BEAKES: Petitions of the faculty and students of Spring Arbor Seminary, of Spring Arbor; members of the Presbyterian Church of Concord; faculty of the Michigan State Normal College, of Ypsilanti, all of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petitions of various churches representing 885 citizens of Glendova, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of 17 citizens of Camden County, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 64 citizens of Salem, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Camden, Gloucester, and Salem Counties, all in the State of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petition of 1,400 voters of the sixth New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 175 voters of the sixth congressional district of New York, protesting against passage of national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of Milwaukee Lodge, No. 46, Benevolent and Protective Order of Elks, against national prohibition; to the Committee on the Judiciary.

By Mr. COOPER: Petitions of the University Club and the Woman Suffrage Association of Racine, and sundry citizens of Waukesha, Kenosha, and Milton Junction, all in the State of Wisconsin, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DALE: Petitions of various business firms of New York and 85 voters of the fourth congressional district of New York, protesting against passage of national prohibition; to the Committee on the Judiciary.

Also, petition of the Federal Civil Service Society of New York, favoring passage of House bill 15222, relative to compensation for Federal employees who become incapacitated; to the Committee on the Judiciary.

Also, petition of the American Association of Foreign Language Newspapers, relative to deaths and injuries of our men at Vera Cruz; to the Committee on Military Affairs.

Also, memorial of the National Association of Vicksburg Veterans, relative to appropriation for reunion of Civil War and Confederate veterans at Vicksburg, Miss.; to the Committee on Military Affairs.

The SPEAKER. The Clerk will report the bill by title.

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By Mr. HAYES: A bill (H. R. 16526) granting a pension to Alta M. Comstock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16527) for the relief of Isabel E. Rockwell; to the Committee on Claims.

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Also, a bill (H. R. 16530) granting an increase of pension to George Lovett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16531) granting an increase of pension to John Smith; to the Committee on Invalid Pensions.

By Mr. McCOY: A bill (H. R. 16532) granting a pension to Margaret M. Van Nortwick; to the Committee on Pensions.

By Mr. J. I. NOLAN: Petition of the Beer Bottlers' Union, No. 295, of San Francisco, Cal., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the International Union of United Brewery Workers of America and Central Federated Union of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, protest of Gustave Ericsson, of San Francisco, Cal., and 1,247 other citizens, against the passage of the Hobson nationwide prohibition resolutions; to the Committee on the Judiciary.

Also, protest of Mr. Con Sigrist, of San Francisco, Cal., and 703 other citizens, against the passage of the Hobson nationwide prohibition resolutions, forwarded through the Beer Bottlers' Union, No. 293, of San Francisco, Cal.; to the Committee on the Judiciary.

By Mr. O'LEARY: Petitions of the American Association of Foreign Language Newspapers; Jacob Ruppert, of New York; and the International Union of the United Brewery Workmen of America, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PALMER: Resolution of the Manufacturers' Association of Erie, Pa., protesting against immediate action on trust bills; to the Committee on the Judiciary.

Also, petition of the Sunday School Association of Stroudsburg, 66 citizens of Easton, the Woman's Christian Temperance Union of Matamora, and 70 citizens of Freemansburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Tariff Reform League of New York, N. Y., relative to canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Petitions of the American Association of Foreign Language Newspapers; J. Quinlin, jr., of Boston, Mass.; and three citizens of New Haven, Conn., against national prohibition; to the Committee on the Judiciary.

Also, petition of various members of the Main Street Baptist Church, of Meriden, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of the New Haven Political Equality Club, the Wallingford Equal Franchise League, the Congressional Union for Woman Suffrage, and the New Haven Equal Franchise League, all in the State of Connecticut, favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. ROBERTS: Petition of sundry citizens of Reno, Fallon, Vassor, Ely, and Battle Mountain, all in the State of Nevada, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens of the fifth congressional district of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of 374 voters of the third congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of sundry citizens of the fourteenth congressional district of Texas, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Protest of 2 citizens of Allen, 6 citizens of Hillsdale, and others, all in the State of Michigan, against Sunday-observance bill, H. R. 7826; to the Committee on the District of Columbia.

Also, papers to accompany House bill 16380, for pension to George Federbaum; to the Committee on Pensions.

By Mr. SMITH of Idaho: Memorial of the Midway Branch of the Idaho Congress of Mothers, favoring passage of the Smith-Hughes bill, to censor motion-picture films; to the Committee on Education.

Also, petition of Fritz Shlufer, of Silver City, Idaho, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of the Richmond Club, of Buffalo, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the International Molders' Union, of Lancaster and Depew, N. Y., protesting against the policy of the United States Government in the Colorado strike; to the Committee on the Judiciary.

Also, memorial of the memorial and executive committee of the city of Buffalo, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of sundry citizens of Buffalo, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry organizations, favoring passage of the Bristow-Mondell resolution, relative to franchise for women; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of the Coleman Methodist Episcopal Church, the Woman's Christian Temperance Union of Zephyrhills, and sundry citizens of Tarpon Springs, all in the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEVENS of New Hampshire: Petition of 36 citizens of North Walpole, N. H., and 13 telegrams from sundry citizens of Berlin, N. H., against nation-wide prohibition; to the Committee on the Judiciary.

Also, petitions of 30 citizens of South Acworth; 13 members of the South Acworth Woman's Christian Temperance Union; 150 members of the Franklin Woman's Christian Temperance Union; 110 members of the Methodist Episcopal Church of Sunapee; 36 members of the Woman's Christian Temperance Union of Sunapee; 2,600 members of the New Hampshire Woman's Christian Temperance Union, of Manchester; 197 members of the Baker Memorial Methodist Episcopal Church Sunday School, Concord; Woman's Christian Temperance Union of Colebrook; 200 members of the Woman's Christian Temperance Union of Groveton; 25 members of the Young People's Branch of the Woman's Christian Temperance Union, Groveton; 100 members of the Methodist Episcopal Church of Groveton; 250 members of the Coos County Woman's Christian Temperance Union, of Groveton; 44 members of the Loyal Temperance Legion of Groveton; 30 members of the Superintendents' Conference of the New Hampshire Woman's Christian Temperance Union, Nashua; 1,420 members of the Merrimack County Christian Endeavor Union, Penacook; 75 members of the Bible School of the First Congregational Church of Hudson; 200 members of the Deerfield Congregational Church; 110 members of the Union Avenue Baptist Church Sunday School; 150 members of the First Congregational Church of Hudson; ex-Gov. David H. Goodell and 4,241 voters, all in the State of New Hampshire, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of ex-Gov. David H. Goodell and 4,241 other voters of New Hampshire, praying for the adoption of House joint resolution 168, for national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petitions of the Young People's Christian Union of McDonald; sundry citizens of Beaver County; J. W. Wilson and others, of Beaver Falls; and Boethian class of the First Presbyterian Church of Cannonsburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of employees of Locks Nos. 4, 5, and 6, on the Ohio River, in support of House bill 11522, to fix salaries of certain employees of the United States Government; to the Committee on Reform in the Civil Service.

By Mr. TREADWAY: Petitions of sundry citizens of the first congressional district of Massachusetts, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the Central Federated Union of New York, protesting against national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 14, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee lifting up our hearts to the true and living God, because Thou hast put into our hands a commission more sacred, more binding than any commission that we can receive from our fellow men. Thou hast appointed us as kings and priests unto God. Thou hast put us in the world in pursuit of truth. Thou hast put over us the King of Truth. Thou dost call upon us to make any sacrifice to attain to this great end. We have found that the truth is not attained except through human struggle. We pray that we may have grace to follow on in this sacred pursuit by self-sacrifice, by struggle, holding nothing so dear of worldly good or honor as our pursuit of truth. And when we find it, may the truth indeed set us free. To this end do Thou guide us this day and every day, for Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
May 14, 1914.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.